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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, बुधस्वतिवार, दिसम्बर 7, 2000/अग्रहायण 16, 1922
NEW DELHI, THURSDAY, DECEMBER 7, 2000/AGRAHAYANA 16, 1922

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 7 दिसम्बर, 2000

का.आ. 1094(अ).—केन्द्रीय सरकार, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना संख्या का.आ. 463 (अ), तारीख 14 मई, 2000 द्वारा लिबरेशन टाइगर्स ऑफ तमिल ईलम (जिसे इसमें इसके पश्चात् लिट्टे कहा गया है) को एक विधिविरुद्ध संगम घोषित किया था;

और केन्द्रीय सरकार, उक्त अधिनियम धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 544(अ), तारीख 7 जून, 2000 द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण (जिसे इसमें इसके पश्चात् उक्त अधिकरण कहा गया है) गठित किया था जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री एस. के. महाजन थे;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना को 13 जून, 2000 को उक्त अधिकरण के प्रति निदेश किया था जिसमें इस न्याय-निर्णयन के प्रयोजन के लिए कि क्या उक्त संगम विधिविरुद्ध है या नहीं पर्याप्त हेतुक घोषित करने के लिए किया गया था;

और उक्त अधिकरण, ने उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 13 नवम्बर, 2000 को एक

आदेश किया था (जिसे इसमें इसके पश्चात् उक्त आदेश कहा गया है) जिसमें अधिसूचना सं. का.आ. 463(अ) तारीख 14 मई, 2000 में की गई घोषणा की पुष्टि की गई है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 4 की उपधारा (4) के अनुसरण में उक्त अधिकरण के उक्त आदेश को इसके द्वारा प्रकाशित करती है, अर्थात् :—

[कृपया आदेश के लिए अधिसूचना का अंग्रेजी पाठ देखें]

[फा. सं. आई-11034/9/2000-आई एस डी आई (ए)]

संगीता गैरोला, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 7th December, 2000

S.O. 1094(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) declared vide the notification of the Government of India in the Ministry of Home Affairs number S O. 463 (E), dated the 14th May, 2000 the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE) to be an unlawful association;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of

the said Act, constituted vide the notification of the Government of India in the Ministry of Home Affairs number S.O. 554(E), dated the 7th June, 2000 the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal) consisting of Mr. Justice S.K. Mahajan, Judge of the Delhi High Court,

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 13th June, 2000 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful,

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an Order (hereunder referred to as the said Order) on the 13th day of November, 2000, confirming the declaration made in the notification number S.O. 463 (E), dated, the 14th May, 2000,

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order of the said Tribunal, namely :—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL CONSTITUTED VIDE NOTIFICATION NO. S.O. 564 (E) DATED THE 7TH JUNE, 2000

IN RE

Liberation Tigers of Tamil Eelam (LTTE)

CORAM

Hon'ble Mr. Justice S.K. MAHAJAN

PRESENT :

Union of India through Mr. E.X. Joseph, Senior Advocate with Ms. Barkha Babbar, Advocate
Mr. A.K. Pantandy, Director, Internal Security Division, Ministry of Home Affairs, New Delhi.
State of Tamil Nadu through Mr. N.G. Pragasam, Advocate

Liberation Tigers of Tamil Eelam through Mr. N. Chandrasekaran with Mr. B. Gopikrishna, Advocates

JUDGMENT

Vide the Notification dated 14th May, 2000, the Central Government in exercise of powers conferred by sub-Section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (in short referred to as "the Act") declared the Liberation Tigers of Tamil Eelam (in short referred to as "the LTTE") to be unlawful association and in exercise of powers conferred by the proviso to sub-Section 3 of that Section directed that the Notification shall, subject to any order that may be made under Section 4 of the Act, have immediate effect from the date of its publication in the Official Gazette. On 13th June 2000 reference was made to the Tribunal to adjudicate whether

or not there was sufficient cause for declaring the LTTE as an unlawful association.

Notification No. S.O. 463 (E) dated 14th May, 2000 published in the Gazette of India Extra-ordinary Part-II Section 3 sub-Section (ii) declaring the LTTE to be an unlawful association, was in the following terms :—

- “1. Whereas the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE), is an association actually based in Sri Lanka but having sympathisers, supporters and agents on the Indian soil;
2. And whereas LTTE's objective for a homeland for all Tamils disrupts the sovereignty and territorial integrity of India and thus falls within the ambit of an unlawful activity;
3. And whereas the continuing militant pursuits by the LTTE of the objective of a separate homeland (Tamil Eelam) for all Tamils, threatens the sovereignty and territorial integrity of India
4. And whereas most of the criminal cases involving the LTTE and pro-LTTE groups like TNRT (Tamil National Retrieval Troops) and Tamilar pasarai, have ended in conviction and the Tamil Eelam concept still remains as a goal among the pro-LTTE groups in Tamil Nadu and the forces are still at work to further its cause, thereby contributing to the said highly vulnerable milieu in which LTTE's free functioning in India as a lawful association, if allowed, is likely to be highly detrimental to the sovereignty and territorial integrity of India;
5. And whereas LTTE continues to be an extremely potent terrorist force in Sri Lanka and is presently one of the deadliest terrorist organisations in the world which has strong connections in Tamil Nadu;
6. And whereas LTTE continues to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a state of ethnic strife, torn by the demand for Tamil Eelam, which finds a strong echo in Tamil Nadu due to the Linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils in Sri Lanka and the separatist Tamil chauvinist forces in Tamil Nadu, the pro-LTTE groups will always try to stimulate the secessionist sentiments to enhance the support base of the LTTE in Tamil Nadu which will have an adverse influence over the territorial integrity of India.
7. And whereas the Central Government is of the opinion that for the reasons aforesaid, the LTTE is an unlawful association and there is continuing strong need to control all such separatist activities by all possible lawful measures;

8 And whereas the Central Government has information that :—

(a) On 13-5-1998 night, the Chennai City Police during vehicular check at Rattan Bazar, Chennai City, intercepted (i) Tamilarasan (a) Dayalan (25 yrs.), S/o. Shanmuganathan, Kaithadi, Chavakachery Jaffna, Sri Lanka and (ii) Ashok (21 yrs.) S/o Prakasam, No. 58, Nadar St. Rajapalayam Virudhunagar Distt., under suspicious circumstances. Interrogation revealed that Tamilarasan (a) Dayalan, was an LTTE cadre and had come to Chennai to procure medicines, chemicals, etc for the use of LTTE in Sri Lanka and Ashok of Rajapalayam, also a supporter of LTTE, assisted Tamilarasan to procure his needs. The following materials were seized inter-alia, from them

(i) Sony 12 Band Stereo Receiver	1 No.
(ii) Driving Licence	
(iii) Cash Rs. 15,332/-	
(iv) Canon digital diary	
(v) Code sheets	5 Nos.
(vi) Cellular phone	1
(vii) Compact Discs (Audio CDs-15 Nos & Video CDs-25 Nos.)	40 Nos.
(viii) Audio Cassettes	60 Nos.
(ix) Sony Cordless Bell	1 No

A Case, in Chennai City 'Q' Branch, CID/3 Cr No. 2/98 under Sections 10, 13 (1) and (2) of the Unlawful Activities (Prevention) Act, 1967 was registered and the case is now pending trial in Court.

(b) An LTTE cadre, Kannan (a) Karunakaran (a) Maheswaran Vijayakanth (a) Sunder (a) Ashok Kumar (28/98) s/o Maheswaran of Jaffna, Sri Lanka and a local, Nagoor (a) Nagooran (22/98) S/o Srinivasagam of Pudupattanam, Ramanathapuram District, were arrested at 0900 hours on 28-12-1998 at the Central Bus Stand, Trichirapalli in Trichy 'Q' Branch CID Cr No. 1/98 under Sections 10, 13 (1) and 13 (2) of the Unlawful Activities (Prevention) Act, 1967, Section 3 r/w Section 12 of the Passport Act, 1967, Section 3 r/w Section 14 of the Foreigners Act, 1946 and both of them were remanded to Judicial custody and lodged in Central prison, Trichy.

A Walkie-talkie set, a note book containing certain particulars, cash of Rs. 4583 and a motor cycle used by Kannan were seized

(c) One Vojayendra Raja (a) Vijayan (a) Mahesh (30) S/o Shanmugasundaram of Kilinochchi, Sri Lanka, an LTTE cadre, was arrested on 17-2-1999 at 1730 hrs near T Nagar bus terminus by 'Q' Branch, CID Cr. No.

1/99 under Section 10 and 13 (1) of the Unlawful activities (Prevention) Act, 1967 and Section 14 of the Foreigner's Act, 1946 was registered.

(d) An LTTE cadre Sivakumar (a) Siva (a) Thuvaragan (a) Parapan (26) and his supporter Prabhakaran (a) Prabha (29) S/o Chinnathambi, MBCS, Muthaiankadu, Pudukudiyiruppu, Mullaidcevu presently at 63/3, Muthunariamankoil Street, Kottivakkam, Neelankarai PS limits, were arrested on 22-7-1999 when the above individuals were moving in a suspicious manner. A case in Chengalpattu East 'Q' Branch CID Cr. No. 2/99 under sections 10 and 13 (1) of the Unlawful Activities (Prevention) Act, 1967 and Sections 3 and 14 of the Foreigners Act, 1946 were registered. The following documents were in possession of LTTE cadre Sivakumar:

i A note book containing coded language and diagram of a timer device

Code-sheet—one etc.

(e) Arasanayagam (a) Nelson (a) Venthan (36)) s/o Azhakiyadi, Vellaveli, Batticaloa Distt., Sri Lanka, an LTTE cadre was arrested by the 'Q' Branch, CID at Pallavaram on 23-8-1999. A cell phone, a Sony Transistor and 15 code sheets used by him for communication were seized. On his confession, the following items were also seized from the hide-out of another LTTE cadre Indiran (a) Thambi (a) Chiranjeevi at Zamin Pallavaram

i	ICOM wireless set	1
ii.	Linear antennae tuner	1
iii.	Morse key	2
iv.	Battery	2
v.	Battery charger	1
vi	Cell phones	2
vii	VCD	1 and other item

In a follow up action, another LTTE cadre Rajekaran (a) Muthukumar, an associate of Arasanayagam (a) Nelson (a) Venthan was also arrested at Madipakkam on 23 8 99. Some code sheets were also seized from him. In this connection, a case in Chengalpattu (East) 'Q' Branch, CID Cr. No. 3/39 under section 10, 13 (1) and 13 (3) of the Unlawful Activities (Prevention) Act, 1967, 6 (1-A) of Wireless Telegraph Act was registered. Look out is being maintained for Indiran Thambi (a) Chiranjeevi

On specific information on 7-9-99 at 1400 Hrs., the Trichi 'Q' Branch CID intercepted two autorickshaws TN 5-D-7452 and TMO 8071 at Karumandapam, Trichy and arrested one of the occupants viz Rengarajan (a) Rengi (39) s/o. Sothulingam of valvetuthurai, Sri Lanka now at No. 5, Fourth Street, Vinayaganagar, Karumandapam, Trichy, and interrogated him. Interrogation of Rengarajan (a) Rengi revealed that he alongwith 6 Sri Lankan Tamils (arrested) and a local and an LTTE cadre Indian (absconding) entered into a criminal conspiracy to procure

medicines, fuel and other essentials and to smuggle them to LTTE in Sri Lanka through the coastal areas. In this connection, a case in Trichy 'Q' Branch, CID Cr. 2/99 under Section 3 r/w Section 14 of the Foreigners Act, 1946 and Sections 10 13(1) and 13(2) of the Unlawful Activities (Prevention) Act 1967 was registered. Apart from Rengarajan @ Rengi, six other Sri Lankan Tamils viz. Thavarajan @ Thavan, Gunarathinam @ Gunam, Vinayagamoorthy @ Woorthy, David, Sreekanth @ Sree, Sivakaran @ Sia and a local Tamil, Chandrasekaran @ Chandru were arrested. The Following contraband were seized in this case :—

(i) 10 Cardboard boxes containing 615 saline bottles and a small box containing 6 pairs of gloves and a bottle of savlon.

(ii) Two autorickshaws—TMO 8071 and TN—45-D-7452 belonging to accused Rengarajan @ Rengi.

(iii) A portable generator.

(iv) 9 code-sheets used by LTTE cadre Indiran.

(v) Suzuki motor cycle KA. 05-L-7841.

(vi) An Oxygen gas cylinder.

(g) On 14-8-98 at 1330 hrs. One Arunachalam Nadar (48/98) S/o Krishnasamy Nadar, 2/801. Manoranjitham Street, Ezhil Nagar, Ayyar Bungalow, Madurai, who was in the habit of procuring essential commodities for the use of LTTE in Sri Lanka was arrested with two artificial limbs and two supporting sticks and certain bills and lists of articles to be procured etc. for LTTE. A case in Madurai City 'Q' Branch, CID, Cr. No. 1/98 under Section 13(1) and 13(2) of the Unlawful Activities (Prevention) Act, 1967 and under Section 12(a) read with Section 3 of the Passport Act, 1967 was registered and on his confession one lorry MDK 2692 and vallam (country boat) owned by the accused Arunachalam Nadar were seized on Pamban seashore with the contraband viz., Battery cells, books, video cassettes, clothes, film rolls etc. all worth Rs. 2,50,000 and LTTE operative Sekar @ Mani @ Raman (34/98) S/o Anthonipillai, Kangesanthurai, Sri Lanka and 3 others LTTE cadres, Anton @ Udayan (24/98) s/o Kandaiah, Velanai, Jaffna, Sri Lanka, Chandrakumar (30/98) S/o. Mayilvahanam, Murasumadai III Unit, Kulinochchi, Sri Lanka and Mohanaguru (27/98) S/o. Rajakulasingam, Jaffna, Sri Lanka were arrested.

On 17-2-2000 this case came up for judgement before the J.M. II Court, Madurai, accused A-2 Sekar @ Mani @ Raman (34/98) S/o. Anthonipillai, A-3 Anton @ Udayan (24/98) S/o. Kanthaiah, A-4 Chandrakumar (30/98) S/o. Mavilvahanam, A-5 Mohanaguru (27/98) S/o. Rajalingam, were produced from Central Prison, Madurai. All the above 4 accused were convicted as mentioned below :—

(i) A-2 Sekar was convicted and sentenced to undergo RI for 3 months u/s 120 (B) IPC.

(ii) A-3 to A-5 were convicted and sentenced to undergo RI for 1 year and to pay a fine of Rs. 500 each u/s 10 of Unlawful Activities (Prevention) Act, 1967.

(iii) A-2 to A-5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs. 500 each u/s 13(1) of Unlawful Activities (Prevention) Act, 1967.

(iv) A-2 to A-5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs. 500 each u/s 13(2) of Unlawful Activities (Prevention) Act, 1967.

(v) A-2 to A-5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs. 500 each u/s 14 of Foreigners Act, 1946.

(vi) All the sentences are to run concurrently.

(vii) The case against A-1 Arunachalam Nadar is split up in CC No. 59/2000 in J.M. Court, Madurai.

From the details of aforesaid cases, it is quit evident that despite the ban in force from the year 1992, the LTTE on its part continues to indulge in activities prejudicial to the sovereignty and territorial integrity of India. Seizure of wireless equipment, code sheets, a note book containing a circuit diagram of timer device, and the presence of LTTE cadres who are still at large culminates into a graves threat to the security of the State. This aspect is further strengthened by the arrest of the LTTE cadres viz. Tamilarasan, Kannan, Vijayendra Raja, Arasanayagam and Rajeeakaran in Tamil Nadu in these seven cases. It may not be out of place to mention that the case in Chennai City "Q" Branch CID, Cr. No. 1/98 and Thanjavur Medical College Hospital P.S. Cr. No. 154/97 ended in conviction recently.

9. And whereas the Central Government is of the opinion that the aforesaid activities of the LTTE continue to pose threat to and are detrimental to the sovereignty and integrity of India as also public order; and therefore, should be declared as an unlawful association;

10. And whereas the Central Government is further of the opinion that (i) because of its continued violent and disruptive activities prejudicial to the integrity and sovereignty of India and because (ii) it continues to adopt a strong anti-India posture and also continues to pose a grave threat to the security of Indian Nationals, it is necessary to declare the LTTE as an unlawful association with immediate effect;

11. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Liberation Tigers of Tamil Eelam (LTTE) an unlawful association and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that Section, that this notification shall, subject to any order that may be made under Section 4 of

the said Act, have immediate effect from the date of its publication in the Official Gazette."

As required by Rule 5 of the rules framed under the Act, the Central Government alongwith the reference also forwarded the resume regarding the aims, objectives and activities of the LTTE. The Constitution of the People of Liberation Tigers, the Front Organisation of the LTTE was also enclosed with the reference. Reference also included the cases registered/arrests made indicating the activities of pro-LTTE elements/groups including Tamil chauvinist groups in Tamil Nadu since March, 1998.

On receipt of the reference, the Tribunal directed the notices to be issued to LTTE to show cause as to why the said organisation be not declared unlawful. The said notice was returnable on 31st August, 2000. Since there was no particular address of the LTTE in India, notices to LTTE were directed to be published in the India Express and the Hindu in Tamil Nadu and Delhi Editions and one daily issue of newspaper published in Tamil language in Tamil Nadu. Notices were also directed to be published in two leading newspapers of Sri Lanka either in "Island" or "Virakesari" or "Daily News" or "Thinkara Sunday Observer". Since the international secretariat of the LTTE was located at Eelam House, 202, Long Lane, London, SE1. 4QB, notice was directed to be issued to the LTTE at the said address as well. Notice was also directed to be published in the leading newspaper "Times" of the United Kingdom. In addition to the above, notices were also directed to be served by affixation on some conspicuous part of the office, if any, of the said association and by serving a copy of the notice, if possible, on the principal office bearers of the LTTE by registered post or otherwise. The Central Government and the State of Tamil Nadu were also directed to take immediate steps to effect the service of the notices in terms of this direction given on 7th July, 2000.

Pursuant to the direction given by the Tribunal, notices were duly published in the newspaper "Times" of the United Kingdom on 9th August, 2000; "Sunday Observer" on 6th August, 2000 and "Thinkara" on 7th August, 2000 in Sri Lanka. Notices were also published in "The Indian Express" (Tamil Nadu edition) and "Thinath Thanthi" (Tamil) on 22nd July, 2000. Notices were also served on the LTTE in London on 7th August, 2000. An affidavit of service was filed by Mr. A.K. Paitandy, Director, Internal Security Division, Ministry of Home Affairs, New Delhi, alongwith the copies of the newspapers and copies of the notices. Notices were also exhibited on the notice board of the District Police offices, Police Stations, Collectorates Sub-Divisional Offices and Taluk Offices. Though the notices in all other newspapers were published before 30th July, 2000, notice was published in "Times" of the United Kingdom on 9th August, 2000, "Sunday Observer" on 6th August, 2000; and "Thinakaran" and "Daily News" on 7th August, 2000.

A representation was received from the LTTE through post on 25th August, 2000. Evidence was led by the State of Tamil Nadu as well as the Central Government by means of affidavits, copies of which were supplied to Mr. Chandrasekaran, Advocate, appearing on behalf of the LTTE. He was also given an opportunity to cross-

examine the deponents who had filed their affidavits by way of evidence.

Statements of Mr. A. K. Paitandy, Director, Internal Security Division, Ministry of Home Affairs, New Delhi and Mr. T. V. Ravichandran, IPS, Superintendent of Police, Q Branch (CID), State of Tamil Nadu were recorded by the Tribunal at Nagercoil on 11th October, 2000 and they were also cross-examined by Mr. Chandrasekaran on behalf of the LTTE.

While Mr. E. X. Joseph, Senior Advocate, has argued the matter on behalf of the Central Government, Mr. N. G. Pragasam, Advocate argued on behalf of the State of Tamil Nadu. On behalf of the LTTE, Mr. N. Chandrasekaran, Advocate, filed his written submissions before the Tribunal on 24th October, 2000.

The LTTE was, for the first time, declared to be an unlawful association by a similar notification dated 14th May, 1992. On a reference having been made for adjudication to the Unlawful Activities (Prevention) Tribunal constituted by notification dated 10th June, 1992, the Tribunal sent its Report dated 4th November, 1992 declaring that the Central Government had shown sufficient cause for declaring the LTTE as unlawful association under the Act. It was further stated that the Declaration was necessitated in national interest. On the expiry of the period of two years, the Central Government again issued a similar notification dated 14th May, 1994 again declaring the LTTE as unlawful association and a reference was made to the Tribunal constituted vide order dated 1st June, 1994. The said tribunal also sent its Report dated November 11, 1994 and answered the reference by holding that there was sufficient cause for declaring the LTTE to be an unlawful association within the meaning of the Act.

On the expiry of the period of two years from 14th May, 1994, the Central Government again issued Notifications dated 14th May, 1996, 13th June, 1996, 27th June, 1996 and 14th May, 1998 declaring the LTTE to be an unlawful association within the meaning of the Act. The Tribunal constituted under Section 5 of the Act, on a reference made to it by the Central Government, confirmed the declaration made in the Notifications declaring the LTTE to be an unlawful association within the meaning of the Act. It is on the expiry of the period of two years from 14th May, 1998 that the present Notification was issued again declaring the LTTE as unlawful association within the meaning of the Act and sending the reference to the Tribunal for adjudication whether or not there was sufficient cause for declaring the LTTE unlawful.

In his affidavit filed by Mr. Paitandy on behalf of the Central Government, which has been collectively marked as Ex. PW-1/1, background has been given as to how the LTTE was originally formed and how it was spreading a feeling for a separate Tamil country by claiming cession and secession of a part of a territory of India from the Union or was in any case disrupting or intending to disrupt the sovereignty and integrity of India. Mr. Paitandy has also given details of the incidents which have come to the knowledge of the Central Government on the basis of which the Central Government was of the

opinion that the LTTE was an unlawful association. Some of this background material will be relevant to reproduce as under :—

“On 13-5-1998 night, the Chennai City Police during vehicular check at Rattan Bazar, Chennai City, intercepted (i) Tamilarasan @ Dayalan (25 yrs.), s/o Shanmuganathan, Kaithadi, Chavakachery, Jaffna, Sri Lanka and (ii) Ashok (21 yrs.) s/o Prakasam, No. 58, Nadar St. Ajapalayam Virudhunagar Distt., under suspicious circumstances. Interrogation revealed that Tamilarasan @ Dayalan, was an LTTE cadre and had come to Chennai to procure medicines, chemicals, etc. for the use of LTTE in Sri Lanka and Ashok of Rajapalayam, also a support of LTTE, assisted Tamilarasan to procure his needs. The following materials were seized inter-alia, from them :—

- | | |
|--|--------|
| (i) Sony 12 Band Stereo Receiver | 1 No |
| (ii) Driving Licence | |
| (iii) Cash Rs 15,332/- | |
| (iv) Canon digital diary | |
| (v) Code sheets | 5 Nos |
| (vi) Cellular phone | 1 |
| (vii) Compact discs | 40 Nos |
| (Audio CDs-15 Nos. &
Video CDs-25 Nos.) | |
| (viii) Audio Cassettes | 60 Nos |
| (ix) Sony cordless Bell | 1 No |

A case in Chennai City 'Q' Branch, CID Cr. No. 2/98 under Sections 10, 13 (1) and 13 (2) of the Unlawful Activities (Prevention) Act, 1967 was registered and the case is now pending trial in Court. A copy of the F. I. R. pertaining to this case alongwith its English translation is annexed as annexure A-1.

(b) An LTTE cadre, Kannan @ Karunakaran @ Maheswaran Vijayakanth @ Sunder @ Ashok kumar (28/98) s/o Maheswaran of Jaffna, Sri Lanka and a local, Nagoor @ Nagooran (22/98) s/o Srinivasagam of Pudukottinam, Ramanathapuram district, were arrested at 0900 hours on 28-12-1998 at the Central Bus Stand, Trichurapalli in Trichy 'Q' Branch CID Cr. No. 1/98 under sections 10, 13 (1) and 13 (2) of the Unlawful activities (Prevention) Act, 1967, Section 3 r/w Section 12 of the Passport Act, 1967, Section 3 read with Section 14 of the Foreigners Act, 1948 and both of them were remained to Judicial custody and lodged in Central prison, Trichy.

A walkie-talkie set, a note book containing certain particulars, cash of Rs. 4583/- and a motor cycle used by Kannan were seized. A copy of the F.I.R. in Tamil pertaining to this case alongwith its English translation is annexed as annexure A-2 and A-2 (a).

(c) one Vijayendra Raja @ Vijayana @ Mahesh (30) S/o Shanmugasundaram of Kilinochchi, Sri Lanka, an LTTE cadre, was arrested on 17-2-1999 at 1730 hrs near T. Nagar bus terminus by 'Q' Branch, CID Cr. No. 1/99

under Sections 10 and 13(1) of the Unlawful activities (Prevention) Act, 1967 and Section 14 of the Foreigner's Act, 1946 was registered. A copy of the FIR in Tamil pertaining to this case alongwith its English translation is annexed as annexure A-4 and A-4(a)

(d) An LTTE cadre Sivakumar @ Siva @ Thuvarangan @ Parapan (26) Prabha (29) s/o Chinnathambi, MBCS, Muthaankadu, Pudukudiyuruppu, Mullaideevu presently at 63/3, Muthumariamankoil street, Kottivakkam, Neelankarai PS limits, were arrested on 22-7-1999 when the above individuals were moving in a suspicious manner. A case in Chengalpattu East 'Q' Branch CID Cr. 2/99 under section 10 and 13 (1) of the Unlawful activities (Prevention) act, 1967 and Sections 3 and 14 of the Foreigners Act, 1946 were registered. The following documents were in possession of LTTE cadre Sivakumar.

(i) A note book containing coded language and a diagram of a timer device

(ii) Code-sheet— one etc

A copy of the F.I.R. in Tamil pertaining to this case alongwith its English Translation is annexed as annexure A-5 and A-5 (a).

(e) Arasanayagam @ Nelson @ Venthan (36) s/o Azhakipodi, Vellaveli, Batticaloa Distt., Sri Lanka, an LTTE cadre was arrested by the 'Q' Branch, CID at Pallavaram on 23-8-1999. A cell phone, a Sony Transistor and 15 code sheets used by him for communication were seized. On his confession, the following items were also seized from the hide-out of another LTTE cadre Indiran @ Thambi @ Churanjeevi at Zamin Paliavaram.

- | | |
|----------------------------|-------------------|
| (i) ICOM wireless set | 1 |
| (ii) Linear antennae tuner | 1 |
| (iii) Morse key | 2 |
| (iv) Battery | 2 |
| (v) Battery charger | 1 |
| (vi) Cell phones | 2 |
| (vii) VCD | 1 and other items |

In a follow up action, another LTTE cadre Rajeeakaran @ Muthukumar, an associate of Arasanayagam (Prevention) Act, 1967 was registered. A part from Rengarajan @ Rengi, six other Sri Lankan Tamils viz. Thavarjan @ Thavam, Gunarathnam @ Gunam, Vinayagamoorthy @ Woorthy, David, Sreekanth @ Sree, Sivakaran @ Siva and a local Tamil, Chandrasekaran @ Chandru were arrested. The following contraband were seized in this case

(i) 10 Cardboard boxes containing 615 saline bottles and a small box containing 6 pairs of gloves and a bottle of savlon.

(ii) Two autorickshaws—TMO 8071 and TN-45—D-7452 belonging to accused Rengarajan @ Rengi.

(iii) A portable generator.

(iv) 9 code-sheets used by LTTE cadre Indiran.

(v) Suzuki motor cycle KA 05-L-7841

(vi) An oxygen gas cylinder

A copy of the F I R in Tamil pertaining to this case alongwith its English translation is annexed as Annexure A-7 and A-7 (a)

(g) On 14-8-98 at 13.30 hrs. one Arunachalam Nadar (48/98) S/o Krishnasamy Nadar, 2/801, Manoranjitham Street, Ezhil Nagar, Ayyar Bungalow, Madurai, who was in the habit of procuring essential commodities for the use of LTTE in Sri Lanka was arrested with two artificial limbs and two supporting sticks and certain bills and lists of articles to be procured etc for LTTE. A case in Madurai City 'Q' Branch, CID, Cr. No. 1/98 under Section 13 (1) and 13 (2) of the Unlawful Activities (Prevention) Act, 1967 and under Section 12(a) read with Section 3 of the Passport Act, 1967 was registered and on his confession one lorry MDR 2692 and Vallam (country boat) owned by the accused Arunachalam Nadar were seized on Pamban seashore with the contraband viz., Battery cells, books, video cassettes, clothes, film rolls etc. all worth Rs. 2,50,000/- and LTTE operative Sekar (a) Mani (a) Raman (34/98) S/o Anthonipillai, Kangesanthurai, Sri Lanka and 8 others LTTE cadres, Anton (a) Udayan (24/98) S/o Kandiah, Velanai, Jaffna, Sri Lanka, Chandrakumar (30/98) So Mayilvahanam, furasumadai III Unit, Kilinochchi, Sri Lanka and Mohanaguru (27/98) S/o Rajakulasingham, Jaffna, Sri Lanka were arrested.

On 17-2-2000 this case came up for judgment before the J.M. II Court, Madurai, accused A-2 Sekar (a) Mani (a) Raman, (34/98) S/o Anthonipillai, A-3 Anton (a) Udayan (24/98) S/o Kanthaiah, A-4 Chandrakumar (30/98) S/o Mavilvahanam, A-5 Mohanaguru (27/98) S/o Rajalingam, were produced from Central Prison, Madurai. All the above 4 accused were convicted as mentioned below :—

(i) A.2 Sekar was convicted and sentenced to undergo RI for 3 months u/s 120 (B) IPC.

(ii) A.3 to A.5 were convicted and sentenced to undergo RI for 1 year and to pay a fine of Rs. 500/- each u/s 10 of Unlawful Activities (Prevention) Act, 1967.

(iii) A.2 to A.5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs. 500/- each u/s 13 (1) of Unlawful Activities (Prevention) Act, 1967

(iv) A.2 to A.5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs.500/- each u/s 13 (2) of Unlawful Activities (Prevention) Act, 1967.

(v) A.2 to A.5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs. 500/- each u/s 14 of Foreigners Act, 1946.

(vi) All the sentences are to run concurrently.

(vii) The case against A. 1 Arunachalam Nadar is split up in CC NO 59/2000 in J.M Court, Madurai."

It is further stated in this background material that serious attempts are likely to be made by the LTTE to revive its support to the Tamil chauvinist groups and individuals in case the ban was not extended beyond 14th May, 2000 and that the organisation will be able to step up its terrorists, subversive and disruptive activities in furtherance of its objectives, besides extending its influence in neighbouring States of Tamil Nadu and other parts of the country. In the background material, the Central Government has thereafter given details of the activities of the LTTE which are detrimental to the sanctity and integrity of India rendering it necessary to declare it as an unlawful association with immediate effect. Some of these activities have already been mentioned in the Notification dated 14th May, 2000 declaring the LTTE to be an unlawful association and have been quoted above

According to the statement of Mr Paitandy, the LTTE has created a few other pro-LTTEE (Tamilar pasaria, Tamil National Retrieval Troops, Tamil Nadu Liberation Army, etc) organisation in Tamil Nadu in furtherance of its objectives and are seeking secession of Tamil Nadu and questioning India's sovereignty and territorial integrity. These organisations are stated to be supporters of the LTTE. Mr Paitandy has given the details of pro-LTTE organisations like Tamil Nadu Marxist of Leninist Party in his affidavit which, according to him, is sufficient evidence of the continuing anti national activity of the LTTE.

"The following cases have been registered by the State law enforcing agencies between March, 1998 and January, 2000.

1. Chennai City 'Q' Branch, CID Cr. No 2/98 u/s 10, 13(1), 13(2) of Unlawful Activities (Prevention) Act, 1967.

On 13-5-98 night, the Chennai City Police, during Vehicular check at Rattan Bazar, Chennai City, intercepted (i) Tamilarasan (a) Dayalam (25 yrs) S/o shanmuganathan, Kaithadi, Chavakachery, Jaffna, Sri Lanka and (ii) Ashok (21 yrs), S/o Prakasan, No. 58 Nadar St., Rajapalayam, Virudhunagar Distt. under suspicious circumstances Interrogation revealed that Tamilarasan (a) Dayalam, is an LTTE cadre and has come to Chennai to procure medicines, chemicals etc. for the use of LTTE in Sri Lanka and Ashok of Rajapalayam, a local supporter of LTTE, assisted Tamilarasan in the procurement. The following materials were seized inter alia, from them :

- | | |
|----------------------------------|--------|
| (i) Sony 12 Band Stereo Receiver | 1 No. |
| (ii) Driving Licence. | |
| (iii) Cash Rs. 15,332/- | |
| (iv) Canon digital diary | |
| (v) Code sheets | 5 Nos. |
| (vi) Cellularphone | 1 |

- | | |
|--|---------|
| (vii) Compact Discs | 40 Nos. |
| (Audio CDs-15 Nos. &
Video CDs-25 Nos.) | |
| (viii) Audio Cassettes | 60 Nos. |
| (ix) Sony Cordless Bell | 1 No. |

In this connection, a case in Chennai City 'Q' Branch, CID Cr. No. 2/98 u/s 10, 13(1), 13 (2) of Unlawful Activities (Prevention) Act, 1967 was registered and the case is now pending trial in court. A copy of the FIR in Tamil, together with the translated version in English, is enclosed as Annexure A.1.

- (ii) Trichy 'Q' Branch, CID Cr. No. 1/98 u/s 10, 13, (1), 13 (2) of Unlawful Activities (Prevention) Act, 1967 and Section 3 read with 12 of Passport Act.

An LTTE cadre, Kannan @ karunakaran @ maheswaran Vijayakanth @ sundar @ Ashok Kumar (28/98 S/o Maheswaran of Jaffna, Sri Lanka and a local, Nagoor @ Nagooran (22/98) s/o Srinivasagam of Padupattinam, Ramanathapuram District, were arrested at 09.00 hrs on 28-12-1998 at the Central Bus Stand, Trichirappalli in Trichy 'Q' Branch CID Cr. No. 1/98 u/s 10, 13 (1), 13 (2) of the Unlawful Activities (Prevention) Act, 1967, Section 3 read with 12 of Passport Act, 1967, Section 3 read with 14 of Foreigners Act, 1948. a walkie-talkie set, a note book, containing certain particulars, cash Rs. 4583/- and a motor cycle used by kannan were seized.

Kannan is a senior LTTE cadre sent to India in 1996. Kannan, since his arrival, was coordinating the procurement and smuggling of various goods required for LTTE. In this connection, kannan was working in tandem with Pandiyan @ Muralidharan and visagarathinam @ Kiruba, who are the accused in Chennai City 'Q' Branch, CID Cr. N 1/97. Kannan was also cited as an accused in this case Pandian @ Muralidharan was arrested in 1997 and since then, Kannan till his arrest was working with Aravindhan, another LTTE cadre. Together, they were responsible for several sailing through the coast of Pudukottai and Ramanachapuram district. Ponpethi Sethuraman and Palaniappan, in this connection, rendered assistance to these cadres. LTTE Boat driver Periyamayil, who was assisting them, was also arrested in Mdurai city 'Q' Branch CID Cr. No. 2/98. In these smuggling operations, these cadres were freely using VHF and cellular phones for communication. Kannan, Aravindhan and Periyamayil along with Sethuraman were also responsible for attempting to smuggle large amount of electronic goods and medicines via Vattanam coast of Ramanthapuram coast. But these goods were seized by Tondi Customs—OR No. 1/98. Prior to his arrest in Trichy, Kannan met LTTE Cadre Ramu for organising the procurement of goods for LTTE. Barring Aravindhan and Ramu, others were arrested in various cases of smuggling. a large scale smuggling racket was busted in which. Kannan and Sethuraman were later detained under COFEPOSA. Kannan during his stay, was

responsbile for organising at least 20 sailing through LTTE boats for smuggling various goods required for LTTE, worth several million rupees.

A copy of the FIR in Tamil and the translated version in English with the confession statement of the accused are appended as Annexure A.2 and A.2 (A) respectively.

- (iii) Madurai City 'Q' Branch, CID Cr. No. 1/98 u/s 13(1)(2) of Unlawful Activities (Prevention) Act, 1967, Section 12 (a) read with section 3 of Passports Act.

On 14-8-98 at 1.30 hrs. One arunachalam Nadar (48/98) s/o Krishnasamy Nadar, 2/801, manoranjitham Street, Ezhil Nagar, Ayyar Bungalow, Madurai, who was in the habit of procuring essential commodities for the use of LTTE in Sri Lanka was arrested with two artificial limbs and two supporting sticks and certain bills and lists of articles to be procured etc. for LTTE. The above case was registered and on his confession one lorry MDK 2692 and Vallani (country boat) owned by accused Arunachalam Nadar were seized at Pamban Seashore with the contraband, viz., Battery cells, books, video cassettes, clothes, film rolls. etc all worth Rs. 2,50,000/- and LTTE operative Sekar @ Mani @ Raman (34/98) S/o Anthony Pillari, Kangesanthurai, Sri Lanka and 3 other LTTE cadres Anton @ Yadayan (24/98) S/o Kandaiah, venahai, Jaffna Sri Lanka, chandrakumar (30/98) S/o Mayilvahanam, Murasumodal III Unit, Kilinochchi, Sri Lanka and Mohanaguru (27/98) S/o Rajakulasingham. Jaffna, Sri Lanka were arrested and all of them sent for remand. A after due investigation, the case was tried by JM II Madurai in CC No. 660/99 and on finding the accused the guilty of the charges, they were accused the guilty of the charges, they were convicted (except Arunachala Nadar) to various terms of imprisonment on 17-2-2000 as detailed below.

- (a) A.2 Sekar was convicted and sentenced to undergo RI for 3 months u/s 120 (B) IPC
- (b) A.3 to A.5 were convicted and sentenced to undergo RI for 1 year and to pay a fine of Rs 500/- each u/s 10 of Unlawful Activities (Prevention) Act, 1967.
- (c) A.2 to A.5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs 500/- each u/s 13 (1) of Unlawful Activities (Prevention) Act, 1967
- (d) A.2 to A.5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs 500/- each u/s 13 (2) of Unlawful Activities (Prevention) Act, 1967.
- (e) A.2 to A.5 were convicted and sentenced to undergo RI for 1-1/2 years and to pay a fine of Rs. 500/- each u/s 14 of Foreigners Act, 1946.
- (f) All the sentences are to run concurrently.
- (g) The case against A.1 Arunachalam Nadar is split up in CC No. 59/2000 in J.M. Court, Madurai.

A copy of the judgement is enclosed as Annexure A.3

iv. Chennai City 'Q' Branch CID Cr. No. 1/99 u/s 10, 13 (1) of the Unlawful Activities (Prevention) Act, 1967 and Section 14 of Foreigners' Order, 1946.

One Vijayendra Raja @ Vijayan @ Mahesh (3) S/o. Sharmugasundaram of Kilinochchi, Sri Lanka, an LTTE cadre, was arrested on 17-2-99 at 1730 hrs. near T. Nagar bus terminus by the 'Q' Branch, CID, Chennai. Interrogation of the accused revealed that he came to India on 8-2-99 by an LTTE boat at Ramnad coast, to procure electronic, electrical and photo copier parts for the LTTE. He earlier visited India in the second week of July, 1998. Between July, 98 to December, 98 he was staying at John Kennedy Street, Jaffarkhanpet, Chennai. Further, interrogation on his link with the LTTE, it came to light that he was recruited as a cadre on 20-7-90 in the political wing at Uruthurapuram, Kilinochchi West. He participated in the "OPERATION PULI PAICAL" at Mallagam, Jaffna during 1995. His cadre no. in LTTE is 6589. The subject was making attempts to procure electric, electronic, photo copier parts and other spares from Tamil Nadu for LTTE. The subject had sustained several blast injuries on his abdomen and was treated in the Jaffna hospital during 1995 while the subject, was engaged in "OPERATION PULI PAICAL" at Mallagam, Jaffna. A copy of the FIR in tamil and its translated version in English are enclosed as Annexure A.4 and A.4 (a).

V Chengalpattu East 'Q' branch CID cr. No. 2/99 u/s 10, 13(1) of the Unlawful Activities (Prevention) Act, 1967 and Section 3 and 14 of Foreigners' Order, 1946.

This is a case of arrest of LTTE cadre Sivakumar @ Sive @ Thuvaragan @ Parpan (26) s/o Swaminathapillai and his supporter Prabhakaran @ Prabha (29) s/o Chinnathambi. MBCS, Muthaikankadu, Pudukudiyiruppu, Mullaideevu Presently 63/3, Muthumariamankoil Street, Kotivakkam, Neelankarai PS limits, an LTTE sympathiser on 22-7-99. A case in Chengalpattu East 'Q' Branch, CID, Cr. No. 2/99 u/s 10, 13 (1) of Unlawful Activities (Prev.) Act, 1967 and Section 3 and 14 of Foreigners Act, 1946 was registered, when the individuals were moving in a suspicious manner. The following documents were in possession of LTTE cadre Sivakumar :

- i. A note book containing coded language and a diagram of a timer device for explosives.
- ii. Code-sheet.
- iii. Mandpam ID Card No. 7052 (SP 14/16)
- iv. Family Card No. 7052 etc.

Interrogation of Sivakumar revealed that he belonged to the Intelligence wing of the LTTE and his identify no. is 342. He came to Tamil Nadu for procuring petrol, diesel, medicines and other essentials for LTTE in

Sri Lanka. A copy of the FIR in Tamil together with the interrogation report and the translated version in English are appended as Annexure A.5 to A.59 (a) respectively.

vi. Chengalpattu East 'Q' branch CID Cr. No. 3/99 u/s 10, 13 (1) and 13 (2) of the Unlawful Activities (Prevention) Act, 1976 and Section 6(1) (A) of Indian wireless Telegraphic Act, 1933.

Arasanayagam @ Nelson @ Venthan (36) s/o Azhakipodi, Vellaveli, Batticaloa distt., Sri Lanka, an LTTE cadre was arrested by the 'Q' Branch CID at Pallavaram on 23-8-99. A cell phone, a sony Transistor and 15 code sheets used by him for communication were seized. On his confession, the following items were also seized from the hide-out of another LTTE cadre Indiran @ Thambi @ Chiranthcevi at Zamin pallavaram

i. ICOM wireless set	1
ii. Linear antennae tuner	1
iii. Morse key	2
iv. Battery	2
v. Battery charger	1
vi. Cell phones	2
vii. VCD	1 and other items

Interrogation of Arasanayagam @ Nelson @ Venthan revealed that he came to Rameswaram on 2-7-1998 by boat along with his wife and daughter. Later, he shifted to No. 12, Nehru Street, Krishanpuram, Pammal. from 3-3-99 onwards they shifted to No. 169/2, Raja Street, Baliah Garden, Madipakkam, Chennai-91. LTTE cadre Indiran @ Thambi @ Chirajcevi gave him the wireless communication equipment for communicating with the LTTE headquarters in Sri Lanka. Arasanayagam was learnt to be operating the wireless set from the last week of March till the third week of July, 1999. Fearing Police checking, Arasanayagam and Indiran shifting the communication equipment to Zamin Pallavaram. In a follow up action, another LTTE cadre Rajasekaran @ Muthukumar, an associate of Arasanayagam @ Nelson @ Venthan was also arrested at Madipakkam on 23-8-99. Some code sheets were also seized from him. In this connection, a case in Chengalpattu (East) 'Q' Branch, CID Cr. No. 3/99 under section 10, 13(1) and (3) of unlawful Activities (Prev) Act, 1967, 6 (1-A) of Wireless Telegraph Act was registered. Look out is being maintained for Indiran Thambi @ Chiranjcevi. A copy of the FIR with its translation is appended as Annexure A. 6.

vii. Trichy 'Q' branch CID Cr. No. 2/99 u/s 3 read with 14 of Foreigners Act, Section 10, 13 (1) & (2) of Unlawful Activities (prev) Act, 1967.

On specific information, on 7-9-99 at 1400 hrs, the Trichy 'Q' Branch, CID intercepted two autorickshaw TN-45-D-7452 and TMO 8071 at Karumandapam Trichy and

arrested one of the occupants viz., Rengarajan (@ Rengi (39) s/o Sothilingam of Velvettithurai Sri Lanka, now at No. 5, Fourth Street, Vinayaganagar, Karumandapam Trichy, and interrogated him. Interrogation of Rengarajan @ Rengi revealed that he alongwith the following Sri Lankan Tamils and a local and LTTE cadre Indiran (absconding) entered into a criminal conspiracy to procure medicines, fuel and other essentials and to smuggle them to LTTE in Sri Lanka through the coastal areas :—

a Thavarajan (@ Thavam (34) s/o Sivajothi, No. 29/10, Vedar Colony Refugee Settlement, Mettupalayam, Coimbatore, (native of Harbour Street, Mathakkal, Jaffna).

b Gunarathinam (@ Gunam (43) s/o Selladurai No. 657, EVR Salai, K.K. Nagar, Trichy-21, (native of Harbour Street, Mathakkal, Jaffna).

c R. Vinayagamoorthy (@ Moorthy (37) s/o Rethinam,

No. 26, Indra Nagar, Kottapattu, Trichy, (native of Achuvchi, Thampalai, Jaffna).

d David s/o Michael, K.K. Nagar, Matha-Koil Street, Mathur, Pudukottai Dist. (native of Kandy Road, Jaffna).

f Sreekanth (@ Sree (29), s/o Vadivelu, Kondakattu Olungai, Velvettithurai, Sri Lanka,

Now at Door No. A2/32, Kottapattu refugees settlement, Trichy.

g Sivakaran (@ Siva s/o Viswalingam No. 42, Thurunagar,

Karumandampam, Trichy (native of Vathurayan North, Thalavadi, Palai, Jaffna, Sri Lanka).

h Chandrasekaran (@ Chandru (34/99) S/o K.S. Natarajan,
No. 215, Ponnagar Colony, Venkatesan Road, Trichy-1
Powner of Nataraja Medical Stores, Trichy)

Interrogation further revealed that between November, 1998 and February, 1999, they procured medicines in three consignments at Trichy and Chennai worth Rs. 10 lakhs and sent them to Sri Lanka. They have also purchased a portable generator at Coimbatore for use in LTTE hospital in Sri Lanka and a Suzuki Motor Cycle KA-5L-7841 for use by absconding LTTE cadre, Indiran. They have also procured saline bottles and medicines on 7-8-99 and transported them in the auto rickshaws to send alongwith the earlier consignments. Hence, the other 4 occupants of the auto rickshaws viz., Chandrasekaran, Thavarajan, Gunarathinam and Vinayagamoorthy were also arrested. In this connection, a case in Trichy 'Q' Branch, CID Cr. No. 2/99 u/s 3 read with Section 14 of Foreigners Act, 1946 and Section 10, 13(1) (2) of Unlawful Activities (prev) Act, 1967 was registered. Further in-

vestigation led to the arrest of three other accused, viz., Sreekanth @ Sree, Sivakaran @ Siva and David.

The following contraband were seized in this case:

a. 10 card board boxes containing 615 saline bottles and a small box containing 6 pair of gloves and bottles savlon.

b. Two autorickshaws - TMO 8071 and TN. 45-D-7452 belonging to accused Rengarajan (@ Rengi.

c. A portable generator.

d. 9 code-sheets used by LTTE cadre Indiran

e. Suzuki motor cycle KA. 05-L. 7841

f. An Oxygen gas cylinder.

A copy of the FIR and its translated version thereof is enclosed as Annexure A.7 and A. 7 (a)

viii. Ramand 'Q' Branch CID PS Cr. No. 2/2000 under section 14 of Foreigners Act, 1946, 6 (a) of passport Rules, 13 (c) of Passport Act, 1967.

Sri Lankan Tamil, Rajapart (@ Vasanthakumar (@ Jothi (@ Ramesh (@ Selvakumar (24) s/o Singarayar, Polikandi Managane, Jaffna, come as a refugee on 30.3.99 and accommodated in SP 47/1 in Mandapan refugee settlement. He was found absent from the settlement since 6-7-99. ON. 5-2-2000 he was arrested by the 'Q' Branch, CID Ramnad near Pamban Bridge, Ramnad. A case in Ramnad 'Q' Branch CID, Cr. No. 2/2000 under section 14 of Foreigners Act, 1946, 6 (a) of Passport Rule. 13 (c) of Passport Act, 1967 was registered against him.

Interrogation revealed that he an LTTE cadre. He had undergone arms training at Kopai Training camp, Jaffna for 2 months and can handle all types of sophisticated weapons. His identity card no. in the LTTE is 'VU' 1600. He came to India during January, 1997 where he was arrested by the 'Q' Branch CID, Madurai, under Foreigners' Act and Passport Act. Later, he was lodged in Melur Special Camp in the name of Vasanthakumar (@ Jothi s/o Singaraja. He was in Melur Special Camp for 1-1/2 years. After the disposal of the case, he was permitted to leave the country for Sri Lanka at his own cost on 10-2-1999. However, he came back to India in the garb of refugee on 30-3-99 and registered himself in Mandapam Refugee Settlement. He is also in possession of TELO Identity Card (No. 2355). Vasanthan's visit to India was to smuggle gelatin sticks from India to LTTE in Sri Lanka. A copy of the FIR and its translated version thereof is enclosed as Annexure A. 8 and A. (8) a

ix. Rameswaram Town PS Cr. No. 195/99 u/s. 302 IPC and Sec. 25 (1) (A) Arms Act :—

On 6-10-99 at 1900 hrs. the Officer-in charge, Naval detachment, Rameswaram handed over a Sri Lankan boat with two dead body lying inside along with a report

stating that the boat was drifted near Olaikuda sea, Rameswaram at 1800 hrs on 6-10-99 following firing at the boat by two Sri Lankan Naval boats. The same was registered at Rameswaram Town PS Cr. No. 195/99 u/s 302 IPC & 25 (1) (A) of Arms Act. The boat was examined on the spot and to contain the dead bodies—one aged about 30 years with a pendant with inscription “Tha. Vi. Pu. 0136” and a cyanide capsule in the Neck. There were bullet injuries on the body. The another aged about 20 years, with a pendant inscribing “Tha. Vi. Pu. 0136” on the neck and bullet injuries scar over his left elbow, left shoulder and crown of the head. Further examination of the boat revealed the presence of the following items inside the boat.

i. HMG 1 with rounds	320
ii. MMG 1 with rounds	860
iii. Missile shoulder	3 Nos.
iv. Bullet proof jackets	7 Nos.
v. Missile cover	2 Nos.
vi. Life jackets	7 Nos.
vii. YAMAHA OB motors 200 HP	3 Nos.
viii. HP Trans-receiver	1 No.
ix. VHP Trans-receiver	1 No.
x. Motorola spare battery	1 No.
xi. Navigator/GPS	1 No.
xii. Liquor	13 bottles
xiii. Fire extinguisher	1 No.
xiv. Map	1 No.
xv. H.M.G. Empty rounds	72 Nos.
xvi. M.M.G. Empty rounds	4 Nos.
xvii. Lungies	4 Nos.
xviii. Pants	3 Nos.
xix. Banian	1 No.
xx. Slippers	3 pairs.

Enquiry reveals that following a fight between the Sri Lankan Navy and the LTTE cadres near Irani Thivu in Sri Lanka on 6-10-99, some LTTE cadres might have escaped in boats. They were given a hot chase by the Sri Lankan Navy in the sea and there was exchange of fire between them. During encounter, the Sri Lankan Naval personnel, chased the escapees upto Olaikuda sea in Rameswaram, opened fire indiscriminately at the boat causing death of two LTTE cadres in the boat. The dead persons were the members of LTTE of Sri Lanka as they are found to wear cyanide capsules and pendant denoting their allegiance to the said militant group. On 5-11-99, the

local Police were able to seize one Medium Machine Gun with 5 rounds buried near the sea-shore in a palmyrah grove in Olaikuda village and the same was seized in Rameswaram Town PS Cr. No. 224/99. A copy of the report of Supdt. of Police, Ramanathapuram in C No. 662/10 SB/RM/99 dated 27-11-99 is enclosed as Annexure A. 9.

7. From the details of cases referred to as Annexure A. 1 to A. 7 above, it is quite evident that despite the ban in force from 1992, the LTTE on their part continue to indulge in activities prejudicial to the sovereignty and territorial integrity of India. Seizure of wireless equipment, code sheets, a note book containing a circuit diagram of a timer device, presence of LTTE cadres who are still at large in Tamil Nadu culminates into a grave threat to the security of the State. This aspect is further strengthened by the arrest of LTTE cadres, viz. Tamilarasan, Kannan, Vijayendraraja, Arasanayagam, Rajeckaran and Vasanthakumar in Tamil Nadu.

8. Apart from the above incidents that have come to notice between March, 1998 and January, 2000 the following cases ended in conviction. It is quite significant and well-established that LTTE cadres and pro-LTTE elements are concerned in this case as accused —

CASES INVOLVING LTTE THAT ENDED IN CONVICTION

(i) J. 2 ADAYAR P.S. CR. NO. 42/91

This case relates to the seizure of 10 passports, 9 mm pistol rounds-4, a fax machine and some foreign currencies, etc. from LTTE cadre Eswaran and 6 other Sri Lankan Tamils on 6-2-91 in Chennai following a house search conducted at No. B-15, Nithya Apartments, Gandhinagar, Adyar, Chennai, after a great deal, the case which was charged before 11th MM Court, Chennai in CC No. 4942/94 ended in conviction on 29-4-98. The accused were charged u/s 120 (B), 506 (2), 124(a), 474 IPC, Arms Act, Sec. 3(1) u/s 25 (b) (a), Indian Passport Act, 1967, Sec. 12(1) (A) & 12(1) (C). After a fair trial, the learned Magistrate convicted the accused to various terms of imprisonment in CC No. 4942/98 and held that the charges under which the accused were charged are proved beyond all reasonable doubts and thus rendered justice. This itself is a clear indication that the accused, who are all LTTE cadres and sympathisers supporting LTTE, were involved in acts prejudicial to the sovereignty and territorial integrity of India in general. A copy of judgment in Tamil is enclosed as Annexure A. 10.

(ii) Chennai City 'Q' Branch, CID, Cr. No. 1/98

On a reliable information that one Chockalingam S/o Kuppan Chettiar, No. 36, Kamarajar Salai, Ashok Nagar, Chennai, was harbouring LTTE cadre Vijayakumar in a hideout and helping in procuring essential items for LTTE in Sri Lanka by transporting clandestinely and that Chockalingam also helped the LTTE cadre Vijayakumar

by providing him with a cellular phone, a constant vigil was maintained on them by the State 'Q' Branch, CID. Further, it was learnt that the said Vijayakumar was also operating more key and wireless sets clandestinely along with Chockalingam in a house at Visakathottam, Mettupalayam, Saidapet, Chennai and that a woman by name Salvi was also assisting him. Consequent on their arrest, certain incriminating documents were also seized and after a thorough investigation by the State 'Q' Branch, CID, the case was charged before 11th Metropolitan Court, Saidapet, Chennai in CC No. 6499/98. The accused were charged u/s 10 of Unlawful Activities (Prev.) Act, 1967 and 120 (b) IPC r/w Sec. 13(1) (a), 3 r/w Sec. 6 (1) (a) of Indian Wireless Telegraphic Act, 1933. After the trial, the learned Magistrate convicted them to various terms of imprisonment including under Unlawful Activities (Prev.) Act. A copy of the judgment in Tamil is appended as Annexure A 11.

(iii) Thanjavur Medical College Hospital PS Cr. No. 154/97.

This case relates to the bomb explosion that had occurred on 6th June, 1997 at 0025 Hrs. At the TV Relay Station situated at Siram Nagar Second Street Eswari Nagar Thanjavur housing the TV relay station. The facts of the case are that two unknown persons threw explosive materials on it while one exploded another remained unexploded in the campus. In the course of investigation of the case, it also came to light that one of the bombs thrown by the miscreants fell beneath the dish antenna and it did not explode. The other explosion in the dish antenna and the wire mesh of the antenna measuring 1'x1' in diameter was damaged. The damage was estimated at Rs. 2,000. At the scene of crime, six handwritten notices purported to have been brought out by Tamil National Red Army were found thrown outside the compound wall demanding action against the Sri Lankan Army for their hostilities towards the Sri Lankan Tamils demanding action against the Sri Lankan Navy for killing the Indian fishermen demanding the Central Government to interfere in the issue, etc. It is, therefore, evident that this militant organisation "Tamil National Red Army" with chauvinist ideologies in support of the LTTE a banned organisation in India has been advocating their ideas. Following sustained investigation, the State 'Q' Branch, CID, have arrested Kalai alias Ravi alias Ravichandran, and Vilupanankurichi Sekar son of Periyasamy of Perambalur District. In the above pamphlets, they have called upon the Indian Government to recognise Tamil Eelam as a separate nation and to impose a ban on economic aid to Sri Lanka, etc.

9 After due trial before the Special Court at Poonamallee, the case ended in conviction on 16-2-2000. Both the accused were convicted and sentenced to undergo RI for 5 years and to pay a fine of Rs. 500, in default R.I. for 5 months u/s 3 of Explosive Substances Act,

1908, to undergo RI for 4 years and to pay a fine of Rs. 400 in default RI for 4 months u/s 4 of Prevention of Damages to Public Property Act, 1984 and to undergo RI for one year and to pay a fine of Rs. 100 in default RI for one month u/s 324 IPC. Copy of the judgment is appended as Annexure A. 12.

10 In addition to the details referred to above, it may not be out of place to mention that the following cases including those coming under the ambit of TADA Act, Unlawful Activities (Prev.) Act, etc. that were registered earlier and mentioned in our proposals are still alive even to the present day and in many cases, some of the LTTE cadres and members of Tamilar Pasarai and Tamil Nadu Liberation Army, who are accused in these cases are still at large and efforts are still on to secure them :—

- (i) Kullanchavadi PS Cr. No. 346/93 u/s 147, 148, 151, 307, 332, 386 r/w. 149 IPC and Sec. 4 & 5 of Tamil Nadu Property Prevention of Damages and Loss Act, 1993, Sec. 3 of Explosives Act and Sec. 3, 4, 5 & 6 of TADA Act.
- (ii) Ammapet PS Cr. No. 429/94 : This case had occurred on 24/25 May, 94 and the case was charged on 17-11-94 against 18 accused u/s. 120-B, 302, 307, 114 IPC, Sec. 3 and 5 of Explosive Substances Act, 1908, Sec. 25(1) (a) Arms Act, 1959, Sec. 3 r/w 6(1) (A) of Indian Wireless Telegraphic Act, 1933, Sec. 3(2) (1) & (ii), 3(3) 3 (4) and 5 of TADA (P) Act, 1987.
- (iii) Mannargudi PS Cr. No. 924/94 u/s 120 (b) IPC, 392 r/w 109 IPC, 307 r/w 109 IPC, 4(b), 5 of Explosives Substances Act, 1908, Sec. 25-1A of Arms Act 1959, Sec. 6(1) (a) of Indian Wireless Telegraphy Act, 1933, Sec. 3 (3), 4 (2) (ii), 4 & 5 of TADA Act, 1987.
- (iv) Chintadripet PS Cr. No. 354/95 u/s 223, 224, 34, 109 IPC and Sec. 14 r/w 3 and 4 of Foreigners' Act.
- (v) Madurai City 'Q' Branch, CID Cr. No. 1/96 u/s 120 (B) IPC r/w Sec. 13 (2) of the Unlawful Activities (Prev.) Act, 1967, Sec. 25(1) (A) r/w Sec. 7 of Arms Act, 1959 and Sec. 3 r/w Sec. 12 of Passport Act, 1967.
- (vi) Andimadam PS Cr. No. 234/97 u/s 120 (B), 147, 148, 450, 332, 395, 397 r/w Sec. 4 & 5 of Explosive Substances Act 1908 and Sec. 3 (1) of Tamil Nadu Public Property (Prevention of Damages & Loss) Act, 1992.
- (vii) Manamalkudi PS Cr. No. 161/96 u/s. 7 of Arms Act r/w 25(1) (c) Arms Act, Sec. 13 of Unlawful Activities (Prev.) Act, 1967 r/w Sec. 12 of Indian Passport Act, @ 120(B) IPC, 13(2) of Unlawful Activities (Prev.) Act, Sec. 25 (1) (A) of Indian Arms Act r/w 7 of Arms Act, 1959.

(viii) Vellore North PS Cr. No. 889/95 u/s 224, 225 (a), 120 (B) IPC, 109 IPC r/w Sec. 11 of Foreigners Act

(ix) Dindigul Taluk PS Cr. No. 1212/91 Sec. 3 to 6 of TADA Act

(x) Chennai City, P-2 Kodambakkam P.S. Cr. No. 1205/90 u/s 120 (B) and 302 IPC r/w Sec. 3 of TADA Act

Besides the above, affidavit also gives in detail the activities of pro-LTTE organisations where they have been openly supporting the lifting of ban upon the LTTE and supporting their cause. These organisations have also been condemning the United States for imparting training to Sri Lankan army and supply of weapons and are demanding the withdrawal of ban on LTTE. These organisations have even burnt the United States flag for designating the LTTE as the terrorist organisation. From the statement of Mr. Paitandy, it was evident that despite the ban which was in existence since 1992, the LTTE on its part is continuing to engage in activities prejudicial to the security of the country and has persisted with violent and disruptive activities. The seizure of a large quantity of wireless equipment, code sheets, a note book containing a circuit diagram of timer device clearly give distressing signal of LTTE's objectives which apprehension is strengthened by the arrest of the LTTE cadres Tamilarasan *a*, Dayalan and Kannan *a*, Karunakaran *a*, Maheshwaran Vjayaakanth *a*, Sunder *a*, Ashok Kumar, and Sivakumar *a*, Siva *a*, Thivaragan *a*, Parapan in Chennai in 1998-99 and the presence of LTTE cadres who are still at large in the State of Tamil Nadu. There is a continuous flow of refugees because of on-going strife in Sri Lanka and in case, according to Mr. Paitandy, the ban was not extended, it would increase the chances of infiltration by the LTTE and engage in subversive activities openly.

According to Mr. Paitandy, therefore, in view of the activities of the LTTE mentioned in his affidavit and annexures annexed thereto, the Central Government was of the opinion that the LTTE was an unlawful association within the meaning of the Act and was, accordingly, declared as such by Notification dated 14th May, 2000.

In his cross-examination by Mr. Chandrasekaran, learned counsel for the LTTE, Mr. Paitandy stated that by writing in the Notification that the objective of the LTTE is to create a homeland for all Tamils, the Government of India has taken note of the Constitution of the LTTE where it states that the objective and the ideology of the LTTE is to protect and preserve the geographical identity and integrity of the traditional homelands of the Tamils and Muslims. It is stated that in the opinion of the Government Tamil homelands mentioned in the Constitution of the People's Front of Liberation Tigers means the inclusion of Tamil speaking areas of the Indian Union as well in the

Tamil Eelam though the same was not specifically mentioned in the Constitution of the People's Front of Liberation Tigers. He denied the suggestion given by Mr. Chandrasekaran that the traditional homelands of the Tamils and Muslims mentioned in this Constitution means the homeland only within the territory of Sri Lanka. It is also denied by him that the Government of India is using this Constitution only as a device to ban the LTTE. According to Mr. Paitandy, the LTTE are aimed at to create the Tamil homeland and subverting the integrity and sovereignty of India. It is also denied by him that the Government of India has not correctly understood the notion of Tamil Eelam. He also denied the suggestion that the Government did not apply its mind and had placed wrong facts before the Cabinet for declaring the LTTE as an unlawful association.

On behalf of the State of Tamil Nadu, Mr. T.V. Ravichandran, Superintendent of Police, 'Q' Branch, CID, Tamil Nadu, filed his affidavit alongwith the annexures which had been collectively marked as EX.PW-2/1. His cross-examination was conducted by Mr. N. Chandrasekaran on behalf of the LTTE on 11th October, 2000 when the Tribunal held its sitting at Nagercoil.

Mr. Ravichandran in his affidavit has stated that there is a need for extension of ban on the activities of the LTTE and for declaring the same as an unlawful association. The LTTE, according to Mr. Ravichandran, was creating disaffection towards India, demanding a separate nation for all Tamils, through their supporters and both individually and organisationally. He has given instances of the activities of the pro-LTTE organisations and tamil chauvinist groups and individuals, etc. which had come to the notice of the Government of Tamil Nadu. These activities, according to Mr. Ravichandran, clearly exhibit their pro-LTTE stance, their sympathies for ongoing LTTE struggle and for their leader Prabhakaran, their sympathy for Tamil Eelam concept and also for secession of Tamil Nadu from India. Some of the instances mentioned in his affidavit were as under :—

- (1) In the Tamil journal 'Nandan' for 1-7-1998 to 15-7-98 published in Tamil Nadu, an article by A. Tamilanban states that courts in Tamil areas in Sri Lanka are closed. The local body members are resigning and new members are inducted and sent for training. Such information instills an sense of fear amongst the Sri Lankan Home Ministry Officials. The LTTE has an upper hand and are the ultimate authority to determine the future of the Sri Lankan army and their political future. The author, described the tactical move on the war front opined that Tamil Eelam would blossom through liberation from the Sri Lankan forces and the Eelam flag would be unfurled soon. A copy of page No. 42 containing the portrait

of LTTE leader Prabhakaran (in Tamil) and its English version are enclosed as Annexure A-1 & A-1 (a).

- (ii) Condemning the massacre of 400 Tamils in Chennai, allegedly by the Sri Lankan Government, a demonstration was organised and an attempt was made to bonfire the effigy of the Sri Lankan President Ms. Chandrika Kumartunga at Chennai out from near Valluvarkottam, Nungambakkam to Independence Day part, led by Anoor Jegatheesan of Periyar DK with members belonging to PDK, Tamil Tamizhar Iyakkam, Tamizhaga Tamil Teachers' Association, Tamil Nadu Forward Bloc and Tamil Desa Poduyudamai Katchi. About 60 persons were taken into custody following attempt to burn the effigy of the Sri Lankan President. The processionists shouted slogans wishing that LTTE should tramp in their endeavour: Tamil Eelam should be born; Eelam Tamils should not be killed, hailed Prabhakaran and appealed not to be aggressive towards Tigers, the victory of tigers will be written in history and offered obeisance to the LTTE leader Prabhakaran and said that the Eelam Tamil is their blood and questioned as to who the Delhites are to imposed ban. The effigy brought by the processionists was seized by the police. Copy of the report of the Dy. Supdt. of Police, 'Q' Branch, CID, Chennai City with English translation and copy of pamphlet are enclosed as Annexure A-2 and A-2 (a).
- (iii) A public meeting was organised on 3-1-99 under the aegis of Tamil Eelam Liberation Supporters Coordination Committee demanding abolition of death sentence in Tirunelveli town. In the meeting, various cadres of party expressed their views on the eradication of death sentence by hanging. One Tamilmanthan, Dy. Organiser had uttered inflammatory speeches despite being aware that the speech affect the reputation of a public servant Tr. Navaneethan, the Presiding Judge in the Rajiv Gandhi assassination case as to that of a 'loafer' who tried the case in the dark room and was working on the tutelage of the ruling party at the Centre. Incidentally, this may be recalled that this Hon'ble Judge tried the case as Designated Judge Poonamalle, and convicted all the 26 accused to death. In the end, he threatened that if the Supreme Court further confirms the death sentence awarded and execute accordingly, whoever it may be-whether it is D. R. Karthikeyan, the

then SIT Chief or any body, cannot escape from the "Tamil Nadu Liberation Army" and settle their accounts. He also warned that all those officers of both the Central and State Governments alleged to be supporting the entrepreneurs cannot escape and even if they die, their skeletons would be excavated and would be hanged. He also threatened Court Judges as well as public servants like D. R. Karthikeyan with intent to cause alarm to the public servants and to prevent them in their discharge of lawful duty. The ingredients of the speeches of this speaker attracts the provisions u/s 499, 503 IPC punishable u/s 500, 506 (II) IPC-Tirunelveli City Bridge PS Cr. No. 55/99 and further action was taken. A copy of the letter in C No 43/IS/X/TIN/99 dated 15-1-99 together with the enclosures and a copy of the translated version of the FIR are enclosed as Annexure as A.3 and A.3(A).

- (iv) A public meeting was held by the Tamil Nadu Marxist Leninist Party at Chennimalai in Erode Distt. On 29-5-99. K. V. Ponnian, Distt. Organiser, said that on June, 30 in a meeting held at Erode, Nedukaran said that these 26 accused persons awarded with death sentence are not orphans and assured that he would retrieve them all. The struggle in Eelam awakens the Tamil in Sri Lanka. The LTTE is struggling for Eelam Tamils and the speaker himself and others support. The man (Rajiv Gandhi) who died is an imperialist, but do not know the reason. The IPKF that was sent to Sri Lanka had killed many Tamils and the women folk were raped. More than 10,000 Tamils were killed by the Indian Army. The speaker questioned as to who felt bad about that. In Sri Lanka, armed struggle is going on and the LTTE is struggling. He cannot say it as wrong. They are struggling for the cause of Eelam Tamils and they would voice in favour of their rights. Concluding his speech, the speaker asserted and called upon the working class saying that there is no doubt that there will be liberation of Tamil nation and called them to struggle. A copy of the speech report and its translated version are enclosed as Annexures A.4 and A.4(a).
- (v) A public meeting (65) was held on 30-5-99 at Mathur in Dharampuri Distt. Under the aegis of Tamil Nadu Marxist Leninist Party. Referring to the death sentence on 26 accused, Thamizh Amizhthan said it is the award of death sentence to the entire Tamil race. He said that if pro-Eelam Tamil sentiment is

- voiced. there would be death sentence and asserted that his party's moral support to P. Nedumaran of Tamilar Desiya Iyakkam and in collection and donating Rs. 22 lakhs towards "Save 26 Tamils Life", that saved 22 Tamils lives. Thamizh Kumaran of Tirupathur said that Tamil Nadu Marxist Leninist party has been extending to the cause of Tamil Eelam and the ongoing struggle by LTTE in Sri Lanka. He asserted that it is the duty of their party to extend their support to any liberation struggle in any part of the world. A copy of the open coverage report No. 34/DPI/99 dated 31-5-99 of the Inspector of Police, 'Q' branch, CID., Dharmapuri in Tamil and its translation in English are enclosed as Annexure—A.5 and A.5(a).
- (vi) On 31-5-99, the TNMLP held a public meeting celebrating May day at Kandili in Vellore Distt. Tamil Kumaran (TNMLP) said that the Tamil Desiya Iyakkam should take up the liberation struggle and place it on the forefront. He further said that, if the people accept Tamil Nadu Marxist Leninist Party Peoples' desire would be safeguarded by the party. Tamil Amilthan of TNMLP of Dharmapuri Distt. Has accused that India has belittled the Tamils and appealed for a revolution to liberate Tamils by placing Tamil Nadu Liberation on the forefront. Copy of open coverage report of Inspector, 'Q' Branch, C.I.D., Thirupathur reference OC No. 223/Inspr. 'Q'/TPTR/99 dated 2-6-99—Annexure A.6.
- (vii) 17-7-99 : Addressing a public meeting under the aegis of Tamilar Dravidar Kazhagam on 'Abolition of capital punishment and Human rights' at Polachi, Thenisai Chellappa accused SIT Chief Karthikkeyan being responsible for the award of death sentence on 4 in Rajiv Gandhi case. He was categorical that unless Tamil Nadu is liberated and becomes a separate Nation, more Karthikeyans would born. He exhorted that unless all the Tamils resolutely unite and attain Tamil Eelam, the self-respect of Tamils cannot be guarantee. Tmt Arputhammal, mother of Perarivalan, an accused awarded with death sentence in Rajiv Gandhi case said that the awarding of death sentence is the ultimate hand work of D.R. Karthikeyan and exhorted and support of the masses. Viduthalai Rajendran, Genl. Secy. Of Periyar Dravidar Kazhagam, said that Rajiv Gandhi case is a concocted one. Copy of speech report and its translated version—Annexure A 7 & A.7 (A).
- (viii) According to the Directorate General of Military Intelligence, on 23-8-1999, a drama titled 'Veera Vengai' (mighty Tigers') highlighting the alleged IPKF atrocities perpetrated on the Tamils in Sri Lanka when the operation was in full swing, the sufferings of the Tamils and the valiant role of the LTTE was staged at Ravindra Kalakshethra, Bangalore. Presided over by P. Nedumaran of Tamilar Desia Iyakkam, with the script V.M. Velu, and directed by K. Bagyaraj, a matinee idol of Tamil Nadu. About 15 persons acted in the above drama. A copy of the letter from Public (SC) Dept.—SR. III/3201-1/99 dated 28-12-99 together with its enclosure are appended as Annexure A. 8.
- (ix) In Eela Marasu, Tamil weekly for the period 2-9-99 to 8-9-99, P. Nedumaran of Tamilar Desiya Iyakkam, released a Press statement reiterating his demand that there should be a national army formed and for the world Tamils in general, and towards this, there should be a separate finance, administration, flag, anthem, and uniformed national trust should be established. As the Tamils of Tamil Nadu did not raise their voice in unison, the security of Tamils living elsewhere in the world is at stake. The Tamils living in major cities like Mumbai, Delhi, Calcutta, Ahmedabad, etc. places are being treated as slaves and there should be a common flag, administration, uniform, etc. for Tamils. A copy of the report in Tamil and its translation in English are enclosed as Annexure A-9 and A-9(A).
- (x) In "Eela Marasu", a Tamil weekly for 23—29-9-99, it is said that there is mass support for the birth of tamil Eelam amongst the Indian people. There will not be any opposition in the event of tamil Eelam comes into being. President Jayawardene of Sri Lanka misled Rajiv Gandhi that in the event of the birth of Tamil Eelam, even Tamil Nadu will be encroached by the LTTE and thereby it will lead to disintegration of Tamil Nadu from the rest of the Indian Union. In the conferences organised at several places in Tamil Nadu, support for Tamil Eelam concept was envisaged. The Tamils are very much aware that the LTTE are protecting the interests of Eelam tamils against the onslaught of chandrika Government's oppression. The Chandrika Govt. Did not accept intervention of a third country in the peace talks with the LTTE. Copy of page No. 15 of the daily is enclosed as Annexure A-10.

- (xi) Addressing a public meeting on 1-12-99 in Dharmapuri Town under the aegis of People's Democratic Youth Association (PDYA), Chinnasa my said that Rajiv Gandhi sent the IPKF to Sri Lanka where they raped several women of tamil race besides looted their properties and committed various atrocities including killing thousands of Tamil. Amongst them, Thanu the assassin of Rajiv Gandhi was one raped six times by the Indian armed personnel. The same Thanu took revenge on Rajiv Gandhi responsible for sending Indian army to Sri Lanka by becoming humanbomb. He also demanded withdrawal of the death sentence and release them all. He further exhorted the members to participate in a proposed rally at Vellore. Amburaj of Dharmapuri said that he is not afraid to go to prison and even if they are transferred to Andaman prison, they have the vigour to damage the prison to smithereens. The award of death sentence amounts to political massacre. Chinnu, another speaker said that through an armed revolution, democracy should be established and cannot do anything in the present Parliamentary democracy..... A copy of the speech report in tamil, Its English translation are enclosed-Annexure A. 11 & A-11(a).
- (xii) Addressing a public meeting held under the auspices of Marumalarchi Dravidar Munnetra Kazhagam (MDMK) on 15-1-2000 at Puliyaikulam, Coimbatore City, K.S. Appavu, said that the celebration of Pongal, a Tamil festival is fit enough to be celebrated only by Eelam Tamils as they have been struggling against Sri Lankan security forces and sacrificing themselves. One can pledge even his children, but has no right to pledge his mother tongue. The Eelam are preparing themselves for a final onslaught. Earlier, they have driven out both Indian and Portuguese Armies and in future, they would drive away the 24000 strong Sinhalese Army. A copy of the speech report in Tamil and its translated version are enclosed as Annexure A-12 & A-12 (A).
- (xiii) On 10-1-2000 Coimbatore City Police, on information that one Agni Subramaniam was in possession of a number of bags containing suspicious materials in his house and his activities were suspicious, searches were conducted in his house at No. 10 Muthusamy Colony, Selvapuram, Coimbatore City. As a result of the search, 10 suitcases, 8 card-board boxes, a rexin bag and a polythene bag containing

used pants, shirts, banians, nighties and sarees, which according to the accused were received from Canda. He admitted of his having links with LTTE, a banned terrorist organisation in India and admitted of his collection of funds, rendering financial assistance to the accused in the Rajiv Gandhi assassination case. The accused also reportedly paid Rs. 10,000/- to P.Nedumaran towards the fund raised by the latter for Court expenses in defending the accused case. The accused produced 18 items of properties including an audio-cassette containing the speech of LTTE Supreme Prabhakaran, a computer with accessories and 6 computer floppies, containing materials like letters sent through E-mail by the accused, certain copies of letters written by accused, the link with the LTTE sympathisers all over the world. Agni Subramaniam has sent an E-Mail under the subject 'Mohandas still alive', saying former DGP of Tamil Nadu (Mr. Mohandas) only arrested their leader on 8-11-86 and Mohandas is in Chennai. Further on the admission of the accused the following items were also seized:—

- (i) A note-book containing 79 addresses of supporters of LTTE,
- (ii) 38 addresses of publishers supporting LTTE including P. Nedumaran, Thiruvadi Chudambaram, Arivumathi and others,
- (iii) Booklet having pictures and particulars of Arive (i.e. Arivalan, concerned in Rajiv Gandhi assassination case,
- (iv) A 4 page booklet with pictures of Prabhakaran and LTTE cadres;
- (v) A letter from Irumborai dated 12-10-98 accused concerned in Rajiv Gandhi assassination case,
- (vi) A diary with number of internet addresses of foreign countries, most of which are of Canada and Sri Lanka;
- (vii) A copy of the confession statement of accused Perarivalan in Rajiv Gandhi assassination case,
- (viii) A copy of judgment in Rajiv Gandhi assassinating case.

Detailed enquiries of the accused revealed that he is a General Council member of Tamilar Nidhi and Tamil Eelam Liberation Coordination Committee. As such acts attract the provision of Section 10 and 13 of Unlawful Activities (Prevention) Act, he was arrested in B-10, Selvapuram PS Cr. No. 7.2000 and was sent for remand. A copy of the letter in C.No. 142/DC/L&O dated 12-2-2000 is appended as Annexure A-13 "

It is stated by Mr. Ravichandran in the affidavit that there is great demand for POL items and other essential commodities for LTTE's day-to-day consumption in Sri

Lanka. To overcome the shortfalls, they are luring the fishermen and known local smugglers with a good premium for such commodities. Lured by such huge offer, these smugglers and members of chauvinist organisations are engaged in smuggling essentials to the LTTE and the State machinery in coordination with other agencies have detected many cases of smuggling coming under the Unlawful Activities (Prevention) Act and such other laws in force. Some of the cases registered against the persons are as under:-

(i) A case in Kottaiappattinam PS Cr. No 122/98 u/s. 120 (b) IPC Sec. 5 of Explosive Substances Act, 1908. Sec 13 (2) of Unlawful Activities (Prev) Act, 1967 was registered against Meyappan s/o Chin-nathambi and three others on 5-6-98 when they attempted to smuggle petrol, diesel, explosive substances etc. for LTTE in Sri Lanka. During interrogation of the accused Meyappan, it came to light that for the goods supplied to LTTE, the latter offered 10 folds of the actual price of the contraband and thus they make easy money through such clandestine deals. Further, it also came to light even before these smugglers transported engine oil, diesel, cotton, bandaid cloth, etc. A copy of the FIR together with its translated version is enclosed as Annexure A 14.

ii. Manamelkudi PS Cr No 99 98 u/s 120 (B) IPC r/w Sec. 13(2) of Unlawful Activities (prev) ACT, 1967;

On 12-7-98 at about 0830 hrs. on information. Inspector of Police, manamelkudi while on coastal patrol found one Chandran along with Murugan and Thiagaraju in possession of drug, band-aid cloth, electrical goods kept in a card board box with design to smuggle them for LTTE in Sri Lanka. Hence, the above case was registered. Chandran, one of the accused, was interrogated by the Customs party over the consignment kept in 3 card board boxes. On verification it kept found to contain medicine, band-aid cloth, electrical goods worth Rs. 20,000/-. The following seizures were effected following the arrest of Chandran:

Micro Shield Solution 500 KL	: 25 Nos
Magic Shield 468 MM No. 1	: 1 No
Max Card Mike Video, Audio	
Spare parts	: 13 Nos.
New Dinoplast Bandage	: 34 Strips
Blood saving sachets	: 10 Nos.

A copy of letter in C No. 44/SP/Camp/98 dt 1-7-98 of Supdt of Police, Pudukottari is marked as Annexure - A. 15

iii. According to the letter in IS C. 1/215/C dated 19-3-99, one Vasanthan (@) Vasanthakumar, a Sri Lanka Tamil was indulging in smuggling auto-spares, vulcanising materials, TV antenna, cables, cycle rims, petrol, diesel, etc. to Sri Lanka through Rameswram in country boats. He was arrested earlier on 2.2.98 in Pamban PS Cr. No

13/98 u/s. 3 r/w. 6 (a) of Passport Act, 1950, Rule 3 r/w. 14 of Foreigners' Act, 1946. A copy of the reference is enclosed as Annexure A. 16.

iv. On 16-7-99, the "Q" Branch, CID staff secured one Loganathan (@) Kutty (29) s/o Sundaram, a Sri Lanka youth at Saidapet. He was found in possession of Indian passport No. V. 619742 annexed with A. 384328, which the later got through from one Doss of Anna Nagar, Chennai. In this connection, a case in Chennai City "Q" CID Cr. No. 2/99 u/s 12(1-A) (a) of Passport Act was registered and the accused was arrested. Investigation revealed that he came to India in 1990 and came into contract with Narcotic smuggling group consisting of Chellakili (@) Udhayan (@) Kamalanathan and Mohan (@) Salt (@) Oviyan and all the three were engaged in the smuggling of Narcotics from India to Sri Lanka. It also revealed that Chellakili and Mohan are having LTTE connections, and used to Procure brown sugar from Ajmeer, Rajasthan and stock them at No 14-B, Bharathi Avenue, West canal Road, Kottur, Chennai, a rental house. He used to pack the brown sugar into packets and was sending them through couriers to Sri Lanka. On information, 400 gms of brown sugar besides brass weighting machine were seized and proceeded against him. --- A copy of "Q" Branch Note in C 3 No. 7508/X99/M dated 7-7-99 is enclosed as Annexure A. 17.

v. The Sri Lanka Navy has detained an Indian fishing trawler carrying medicines and surgical equipment allegedly meant for LTTE, according to a senior Sri Lanka Navy official. "These stocks were meant to treat large number of LTTE cadres injured in the recent spate of counter attacks by the rebels on Army positions in northern Vanni," Commodore Search mochatty said. The vessel was intercepted with the Lanka Navy firing warning shots at it from a fast-moving Israeli-made "Dovra" craft. Mohatty said a fishing trawler from Rameswram, RMS-411, was carrying a huge stock of medicines and was apprehended when attempting to unload its Sri Lanka's north-west coast. He said the four Indian crew members nabbed from the trawler had confessed that they were carrying medicinal supplies for the rebels. When the naval boats spotted it, the trawler tried to take shelter amidst more than 200 fishing boats from Tamil Nadu which were in the boats from Tamil Nadu which were in the vicinity, but was forced to stop after the navy surrounded and fired warning shots at it, Mohatty said (Press : "The Hindu" dated 27-11-99) - Annexure A 18

9. Due to the efforts by the State law enforcing agencies in co-ordination with other agencies following seizures were effected between March, 98 and January, 2000 from the local smugglers as also the LTTE operatives

i Diesel	—	425 ltrs.
ii Engine Oil	—	2140 ltrs.
iii Petrol	—	330 ltrs.

iv.	Sony 12 Band Stereo Receiver	—	1
v.	Compact Disc	—	40
vi.	Cellular Phones	—	4
vii.	Audio Cassettes	—	15
viii.	Sony Corrdles Bell	—	1
ix.	Internet Communication with spares	—	1 set
x.	Dish Antennae	—	1
xi.	WalkieTalkie	—	1
xii.	Linear Antennae Tunor	—	1
xiii.	IC Wireless Set	—	1
xiv.	Moresekey	—	2
xv.	Air Pistol	—	1

xii Addressing a public meeting held under the auspices of Marumalarchi Dravidar Munnetra Kazhagam (MDMK) on 15-1-2000 at Puliakulam, Coimbatore City. K. S. Appavu, said that the celebration of Pongal, a Tamil festival is fit enough to be celebrated only by Eelam Tamils as they have been struggling against Sri Lankan security forces and sacrificing themselves. One can pledge even his children, but has no right to pledge his mother tongue. The Eelam are preparing themselves for a final onslaught. Earlier, they have driven out both Indian and Portuguese armies and in future, they would drive away the 24000 strong Sinhalese Army. A copy of the speech report in Tamil and its translated version are enclosed as Annexure A-12 & A-12 (A).

xiii On 10-1-2000 Coimbatore City Police, on information that one Agni Subramaniam was in possession of a number of bags containing suspicious materials in his house and his activities were suspicious, searches were conducted in his house at No. 10 Muthusamy Colony, Selvapuram, Coimbatore City. As a result of the search, 10 suitcases, 8 card-board boxes, a rexin bag and a polythene bag containing used pants, shirts, banians, nighties and sarees, which according to the accused were received from Canda. He admitted of his having links with LTTE, a banned terrorist organisation in India and admitted of his collection of funds, rendering financial assistance to the accused in the Rajiv Gandhi assassination case. The accused also reportedly paid Rs. 10,000/- to P Nedumaran towards the fund raised by the latter for Court expenses in defending the accused case. The accused produced 18 items of properties including an audio-cassette containing the speech of LTTE Supreme Prabhakaran, a computer with accessories and 6 computer floppies, containing materials like letters sent through E-mail by the accused, certain copies of letters written by accused, the

link with the LTTE sympathisers all over the world. Agni Subramaniam has sent an E-Mail under the subject 'Mohandas still alive', saying former DGP of Tamil Nadu (Mr. Mohandas) only arrested their leader on 8-11-86 and Mohandas is in Chennai. Further on the admission of the accused the following items were also seized:—

(i) A note-book containing 79 addresses of supporters of LTTE;

(ii) 38 addresses of publishers supporting LTTE including P. Nedumaran, Thiruvadi Chidambaram, Arivumathi and others;

(iii) Booklet having pictures and particulars of Arive (a) Arivalan, concerned in Rajiv Gandhi assassination case;

(iv) A 4 page booklet with pictures of Prabhakaran and LTTE cadres;

(v) A letter from Irumborai dated 12-10-98 accused concerned in Rajiv Gandhi assassination case.

(vi) A diary with number of internet addresses of foreign countries, most of which are of Canada and Sri Lanka;

(vii) A copy of the confession statement of accused Perarivalan in Rajiv Gandhi assassination case

(viii) A copy of judgment in Rajiv Gandhi assassinating case.

Detailed enquiries of the accused revealed that he is a General Council member of Tamilar Nidhi and Tamil Eelam Liberation Coordination Committee. As such acts attract the provision of Section 10 and 13 of Unlawful Activities (Prevention) Act, he was arrested in B-10, Selvapuram PS Cr. No. 7 2000 and was sent for remand. A copy of the letter in C No. 142/DC/L&O dated 12-2-2000 is appended as Annexure A-13."

It is stated by Mr. Ravichandran in the affidavit that there is great demand for POL items and other essential commodities for LTTE's day-to-day consumption in Sri Lanka. To overcome the shortfalls, they are luring the fishermen and known local smugglers with a good premium for such commodities. Lured by such huge offer, these smugglers and members of chauvinist organisations are engaged in smuggling essentials to the LTTE and the State machinery in coordination with other agencies have detected many cases of smuggling coming under the Unlawful Activities (Prevention) Act and such other laws in force. Some of the cases registered against the persons are as under:-

(i) A case in Kottaiappattinam PS Cr. No. 122/98 u/s. 120 (b) IPC Sec. 5 of Explosive Substances Act, 1908. Sec. 13 (2) of Unlawful Activities (Prev) Act, 1967 was registered against Meyappan s/o Chin-nathambi and three others on 5-6-98 when they attempted to smuggle petrol.

diesel, explosive substances etc. for LTTE in Sri Lanka. During interrogation of the accused Meyappan, it came to light that for the goods supplied to LTTE, the latter offered 10 folds of the actual price of the contraband and thus, they make easy money through such clandestine deals. Further, it also came to light even before these smugglers transported engine oil, diesel, cotton, bandaid cloth, etc. A copy of the FIR together with its translated version is enclosed as Annexure A. 14

ii. Manamalkudi PS Cr. No. 99/98 u/s 120 (B) IPC r/w Sec. 13(2) of Unlawful Activities (Prev) Act, 1967:

On 12-7-98 at about 0830 hrs. on information. Inspector of Police, Manamalkudi while on coastal patrol found one Chandran along with Murugan and Thiyagaraju in possession of drug, band-aid cloth, electrical goods kept in a card board box with design to smuggle them for LTTE in Sri Lanka. Hence, the above case was registered. Chandran, one of the accused, was interrogated by the Customs Party over the consignment kept in 3 card board boxes. On verification it was found to contain medicine, band-aid cloth, electrical goods worth Rs. 20,000/-. The following seizures were effected following the arrest of Chandran:

Micro Shield Solution 500 KL	25	Nos
Magic Shield 468 MM No. 1	1	No
Max Cafed Mike Video		Audio
Spare parts	31 Nos	
New Dinoplast Bandage	31 Strips	
"C" Vitamin Tablet	34 Strips	
Blood saving sachets	10 Nos.	

A copy of letter in C. No. 44/SP/Camp/98 dt. 1-7-98 of Supdt. of Police, Pudukottai is marked as Annexure - A 15

iii. According to the letter in IS C 1/215/C dated 19-3-99, one Vasanthan @ Vasanthakumar, a Sri Lankan Tamil was indulging in smuggling auto-spares, vulcanising materials, TV antenna, cables, cycle rims, petrol, diesel, etc. to Sri Lanka through Rameswram in country boats. He was arrested earlier on 2.2.98 in Pamban PS Cr. No. 13/98 u/s 3 r/w. 6 (a) of Passport Act, 1950, Rule 3 r/w. 14 of Foreigners' Act, 1946. A copy of the reference is enclosed as Annexure A. 16.

iv. On 16-7-99, the "Q" Branch, CID staff secured one Loganathan @ Kutty (29) s/o Sundaram, a Sri Lankan youth at Saidapet. He was found in possession of Indian passport No V 619742 annexed with A. 3843248, which the later got through from one Doss of Anna Nagar, Chennai. In this connection, a case in Chennai City "Q" Branch CID Cr No 2/99 u/s 12(1-A) (a) of Passport Act was registered and the accused was arrested. Investigation revealed that he came to India in 1990 and came into

contact with Narcotric smuggling group consisting of Chellakili @ Udhayan @ Kamalanathan and Mohan @ Salt @ Ovia and all the three were engaged in the smuggling of Narcotics from India to Sri Lanka. It also revealed that Chellakili and Mohan are having LTTE connections, and used to Procure brown sugar from Ajmer, Rajasthan and stock them at No. 14-B, Bharathi Avenue, West Canal Road, Kottur, Chennai, a rental house. He used to pack the brown sugar into packets and was sending them through couriers to Sri Lanka. On information, 400 gms of brown sugar besides brass weighing machine were seized and proceeded against him.— A copy of "Q" Branch Note in C. 3 No. 7508/X99/M dated 7-7-99 is enclosed as Annexure A. 17.

v. The Sri Lankan Navy has detained an Indian fishing trawler carrying medicines and surgical equipment allegedly meant for LTTE, according to a senior Sri Lankan Navy official. "These stocks were meant to treat large number of LTTE cadres injured in the recent spate of counter attacks by the rebels on Army positions in northern Vanni," Commodore Sarath Mohatty said. The vessel was intercepted with the Lankan Navy firing warning shots at it from a fast-moving Israeli-made "Dovra" craft. Mohatty said a fishing trawler from Rameswram, RMS-411, was carrying a huge stock of medicines and was apprehended when attempting to unload its cargo at Iranathivu near Mannar in Sri Lanka's north-west coast. He said the four Indian crew members nabbed from the trawler had confessed that they were carrying medicinal supplies for the rebels. When the navy boats spotted it, the trawler tried to take shelter amidst more than 200 fishing boats from Tamil Nadu which were in vicinity, but was forced to stop after the Navy surrounded and fired warning shots at it, Mohatty said. (Press : "The Hindu" dated 27-11-99) - Annexure A 18.

9. Due to the efforts by the State law enforcing agencies in co-ordination with other agencies following seizures were effected between March, 98 and January, 2000 from the local smugglers as also the LTTE operatives

i.	Diesel	— 425ltrs
ii.	Engine Oil	— 2140 ltrs.
iii.	Petrol	— 330ltrs.
iv.	Sony 12 Band Stereo Receiver	— 1
v.	Compact Disc	— 40
vi.	Cellular Phones	— 4
vii.	Audio Cassettes	— 51
viii.	Sony Cordless Bell	— 1
ix.	Internet Communication with spares	— 1set

x.	Dish Antennae	—	1
xi.	WalkieTalkie	—	1
xii	Linear Antennae Tuner	—	1
xiii	IC Wireless Set	—	1
xiv	Moresekey	—	2.
xv	Air Pistol	—	1

Besides, 16 Indians were detained under the Provisions of National Security Act."

It is also stated in the affidavit by Mr. Ravichandran that the LTTE is continuing its struggle in Sri Lanka demanding a separate home land for Tamils by merging both North and North Eastern parts of Sri Lanka to be declared as Tamil Eelam. In this milieu, they have been acquiring all essentials needed from other countries including India, particularly from Tamil Nadu. This strategy is stated to be in sequel to the embargo imposed by the Sri Lankan Government. It is stated that the LTTE instigate the local Tamil chauvinist groups to make a hue and cry to their stride. Such determined acts are stated to pose a grave threat to the territorial integrity and sovereignty of India and instil a sense of separatist tendency amongst the local gullible youths. The LTTE is also stated to send their cadres across the sea violating the law of the land and indulge in acts prejudicial to the security of the country. Besides this, assassination of Mr. Rajiv Gandhi, EPRLF leader Padmanabha in India, TULF leader Amirthalingam, Neelam Thiruchelvam and the recent killings of those suspected to be against the interest of LTTE in Sri Lanka and elsewhere are stated to pose a constant threat to the security of the Indian VVIPs/VIPs

It is also submitted that the objectives of the LTTE speak of all Tamils irrespective of the geographical distinction and an inference is irresistible that while the immediate struggle of LTTE is against the Government of Sri Lanka for the establishment of Tamil Eelam in the North and North-Eastern provinces of Sri Lanka, its larger and ultimate objective is to form a larger Tamil country including areas of India where Tamils live and it would pose real and serious threat to the State administrative machinery affecting the sovereignty and territorial integrity of India. There is stated to be no indication to show that the PFLT have revoked their Constitution or in any manner retracted from its avowed objective of creating an independent and separate Tamil Eelam consisting of parts of India.

It has also been submitted by Mr. Ravichandran that the LTTE have established Tamil National Retrieval Troops and Tamilar Pasarai, two militant outfits, and have trained most of their cadres in arms, making of bombs, physical exercises, map reading, political classes in the

jungles of Sri Lanka and are still operating and taking efforts to establish their foothold in the State to create an atmosphere adaptable to them. They are also stated to have funded them with gold, arms, etc. and even directed them to procure POL items, essentials, medicines, etc. required for their use in their struggle. It is submitted that if the ban is not extended for another period of two years from 14th May, 2000, the LTTE may try to establish its foothold in Tamil Nadu which can have a strong under current of destabilisation and will jeopardise and seriously disturb the tranquillity in Tamil Nadu due to cultural, linguistic and historical links of the people of Tamil Nadu and the Sri Lankan Tamils have through ages. It is submitted that the Pro-LTTE groups and individuals were propagating extremist ideology and projecting Velupillai Prabhakaran as a hero and trying to infuse dangerous and treacherous linguistic chauvinism.

It is also stated in the affidavit that after the ban was extended in 1998, the LTTE has established close links with Pakistan's ISI, some of the Sikh extremist organisations like Babbar Khalsa, etc. in order to create lawlessness by continuing their armed struggle with the Sri Lankan Government inflicting heavy casualties paralysing the economy of the State. The LTTE are stated to be getting their requirements from Tamil Nadu by sending their cadres including medicines in an organised manner and setting up wireless communication network in Tamil Nadu. Some of the instances are given below to justify the stand taken by the State of Tamil Nadu :-

(i) Chennai City 'Q' Branch, CID Cr. No. 2/98 u/s. 10, 13(1), 13(2) of Unlawful Activities (Prevention) Act, 1967.

On 13-5-98 night, the Chennai City Police, during vehicular check at Rattan Bazaar, Chennai, intercepted (1) Tamilarasan @ Dayalan (25 yrs), s/o Shanmuganathan, Kaithadi, Chavakachery, Jaffna, Sri Lanka and (ii) Ashok (21 yrs), s/o. Prakasanm, No. 58Nadar St., Rajapalayam, Virudhunagar Distt., under suspicious circumstances. Interrogation revealed that Tamilarasan @ Dayalan, is an LTTE cadre and came to Chennai to procure medicines, chemicals, etc. for the use of LTTE in Sri Lanka and Ashok of Rajapalayam, a local supporter of LTTE, assisted Tamilarasan in the procurement. The following materials were seized inter alia, from them :

i) Sony 12 Band Stereo Receiver	1 No.
ii) Driving Licence	
iii) Cash Rs. 15,332/-	
iv) Canon digital diary	
v) Code sheets	5 Nos.
vi) Cellular phone	1
vii) Compact Discs	40 Nos.

(Audio CDS -15 Nos. &
video CDs - 25 Nos.)

- | | |
|-------------------------|--------|
| (viii) Audio Cassettes | 60 Nos |
| (ix) Sony Cordless Bell | 1 No. |

In this connection, a case in Chennai City "Q" Branch, CID Cr No. 2/98 u/s. 10, 13(1), 13 (2) of Unlawful Activities (Prev) Act, 1967 was registered and the case is now pending trial in the court. A copy of the FIR in Tamil, together with its translated version in English, is enclosed as Annexure C I

(ii) Pudukottai Town PS Cr. No. 815/98 u/s 120 (B) IPC, Sec. 4 & 5 of Explosive Substances Act, Sec. 13 (1) & 13 (2) & 13 (2) of the Unlawful Activities (Prev) Act, 1967

On 13-8-98 morning, when SI Siganani of Pudukottai Town PS was on rounds in the town, near the Govt. Hospital, opposite to PWD Office, Tamil Maran @ Maran (29) s/o Eraianul of Panankulam in Alangudi Taluk and Durapandian (29) s/o Sivaperumal of Keeramangalam in Alangudi were secured under suspicious circumstances and it came to light that about one and half years earlier, Tamilmaran was introduced to LTTE cadre Kannan by Kulamangalam Palaniappan, who informed that the Tamils in Sri Lanka are suffering a lot and the Tamils are fighting against the Sri Lankan security forces and as a result, pro-LTTE like the accused and others should help them by smuggling articles to meet out their requirements, as LTTE is a banned organisation in India. He suggested that every one should extend support to the fullest means by procuring petrol, diesel, medicines etc. At this time, Maran was staying in a rental house in Keeramangalam. The accused was also asked to accommodate the said Kannan. Confession of the accused further revealed that they have been sending materials after procurement at Chennai, Madurai, Trichy and from other places in Tamil Nadu periodically through LTTE boats from the coast of Ramanathapuram, Particularly Kattumavadi, Thondi shores. It also came to light that they were procuring electronic gadgets and sending them to LTTE in Sri Lanka. Men belonging to Palaniappan group used to load and un-load in their operation. The accused was regularly visiting Chennai with LTTE cadre Kannan and others for procurement. After procurement, goods were sent through parcel Service to Aranthangi and from there, were transported to the shores and then on Sri Lanka through boats. A copy of the FIR together with the translated version is enclosed as Annexure C-2.

(iii) Trichy "Q" Branch, CID Cr. No. 1/98 u/s. 10, 13(1), 13(2) of Unlawful Activities (Prev) Act, 1967 and Sec. 3 r/w. 12 of Passport Act.

An LTTE cadre, Kannan @ Karunakaran @ Maheswaran Vijayakanth @ Sundar @ Ashok Kumar

(28/98) s/o Maheswaran of Jaffna, Sri Lanka and a local, Nagoor @ Nagooran (22/98) s/o Srinivasagam of Pudukattinam, Ramanathapuram Distt. were arrested at 0900 hrs. on 28-12-98 at the Central bus stand, Tiruchirapalli in Trichy 'Q' Branch CID Cr. No. 1/98 u/s 10 13 (1) (2) of the Unlawful Activities (Prevention) Act 1967, Sec. 3 r/w 12 of Passport Act, 1967, Sec. 3 r/w 14 of foreigners' Act, 1948. A walkie-talkie set, a note book containing certain particulars, cash Rs 4583/- and a motor cycle used by Kannan were seized. Kannan is a senior LTTE cadre sent to India in 1996. Since his arrival, was co-ordinating in the procurement and smuggling of various goods required for LTTE. Kannan was working in tandem with Pandian @ Muralidharan and Visagarathinam @ Kiruba, accused in Chennai City Q Branch, CID Cr. No. 1/97. Kannan was also cited as an accused in this case. Pandian @ Muralidharan was arrested in 1997 and since then, Kannan till his arrest was working with Aravindhnan, another LTTE cadre. Both were responsible for several sailings. Ponpethi Sethuraman and Palaniappan, rendered assistance to these cadres. LTTE boat driver Periyamayil, who was assisting them, was arrested in Madurai City Q Branch CID Cr. No. 2/98. In these operations, the cadres were freely using VHP sets and cellular phones for their communication. Kannan, Aravindhnan and Periyamayil with Sethuraman were responsible for bid to smuggle electronic goods and medicines through Vattanam coast in Ramanthapuram coast. Both these goods were seized by Tondi Customs—Customs OR No. 1/98. Prior to his arrest in Trichy, Kannan met LTTE cadre Ramu for procuring goods for LTTE. A large scale smuggling racket was busted following which, Kannan and Sethuraman were later detained under COFEPOSA. Kannan during his stay, was responsible in organising 20 sailings to LTTE worth several million rupees. A copy of the FIR in Tamil and its translation in English, and the confession statement of the accused are appended as Annexure C. 3 and C.3 (a).

iv. Chennai City 'Q' Branch, CID Cr. No. 1/99 u/s. 10, 13(1) of the Unlawful Activities (Prev) Act, 1967 and sec. 14 of Foreigners' Act, 1946.

One Vijayendra Raja @ Vijayan @ Mahesh (30), s/o. Shanmuga-sundaram of Kilinochchi, Sri Lanka, an LTTE cadre, was arrested on 17-2-99 at 1730 hrs. near T' Nagar bus terminus by the 'Q' Branch, CID, Chennai. Interrogation of the accused revealed that he came to India on 8-2-99 by LTTE boat at Ramnad coast, to procure electronic, electrical and photo copier parts for LTTE. Between July, 98 to December, 98 he was staying at John Kennedy St., Jaffarkhanpet, Chennai. Further, it came to light that he was recruited as a cadre on 20-7-90 in the political wing, and participated in 'OPERATION PULI PAICHAL' at Mallagam, Jaffna during 1995. His cadre No. in LTTE is 6589. The subject sustained several blast injuries on his abdomen and was treated in

the Jaffna hospital during 1995 at Mallagam. A copy of the FIR in Tamil and its translated version in English are enclosed as Annexure C.4 and C.4 (a).

(v) Chengalpattu East 'Q' Branch, CID. Cr. No.2/99 u/s. 10, /13(1) of Unlawful Activities (Prev) Act, 1967 and Sec. 3 and 14 of Foreigners' Act, 1946.

This is a case of arrest of LTTE cadre Sivakumar @Siva @ Thuvaragan @ Parpan (26) s/o. Swaminathapillai and his supporter Prabhakaran @ Prabha (29) s/o. Chinnathambi, MBCS, Muthaiankadu, Pudukudiyiruppu, Mullaideevu presently at 63/3, Muthumariamankoil Street, Kottivakkam, Neelankarai PS limits, an LTTE sympathiser on 22-7-99. A case in Chengalpattu East "Q' Branch, CID Cr. No. 2/99 u/s 10. 13(1) of unlawful Activities (Prev) Act, 1967, and section 3 & 14 of Foreigners Act, 1946 was registered. The following documents were seized from LTTE cadre Sivakumar:

- (i) A note book containing coded language and a diagram of a timer device for explosives.
- (ii) Code-sheet one
- (iii) Mandapam ID Card No. 7052 (SP 14/16)
- (iv) Family Card No. 7052., etc.

Interrogation of Sivakumar revealed that he belonged to the Intelligence Wing of the LTTE and his Identity No is 342. He came to Tamil Nadu for procuring petrol, diesel, medicines, and other essentials for LTTE in Sri Lanka. A copy of the FIR in Tamil together with the interrogation report, its translated version in English are appended as Annexures C.5 to C.5(a) respectively.

- (vi) Chengalpattu East, 'Q' Branch, CID., Cr. No. 3/99 u/s 10,13(1) and 13(2) of Unlawful Activities (Prev) Act, 1967 r/w sec. 6(1)(A) of Indian Wireless Telegraphic Act, 1933.

Arasanayagam @ Nelson @ Venchan (36) s/o. Azhakipodi, Vella-veli, Batticaloa Distt., Sri Lanka, an LTTE cadre was arrested by the "Q' Branch, CID at Pallavaram on 23-8-99. A cell phone, a Sony Transistor and 15 code sheets used by him for communication were seized. On his confession, the following items were also seized from the hide-out of another LTTE cadre Indiran @ Thambi @ Chiranjeevi at Zamin Pallavaram.

- (i) ICOM wireless set 1
- (ii) Linear antennae turner 1
- (iii) Morse key 2
- (iv) Battery 2
- (v) Battery charger 1

- (vi) Cell phones 2
- (vii) VCD and other items 1

Interrogation of Arasanayagam @ Nelson @ Venchan came to Rameswaram on 2-7-1998 by boat with his wife and daughter. Later, he shifted to No. 12 Nehru Street, Krishnapuram, Pammal. LTTE cadre Indiran @ Thambi @ Chiranjeevi gave him the wireless communication equipment for communicating with LTTE headquarters in Sri Lanka. Arasanayagam was learnt to be operating the wireless set from the last week of March till the third week of July, 1999. Fearing Police checking, Arasanayagam and Indiran shifted the communication equipment to Zamin Pallavaram. In a follow up action, another LTTE cadre Rajasekaran @ Muthukumar, an associate of Arasanayagam @ Nelson @ Venchan was also arrested at Madipakkam on 23-8-1999. Some code sheets were also seized from him --- Chengalpattu (East) 'Q' Branch, CID Cr. No. 3/99 u/s 10, 13 (1) and (3) of Unlawful Activities (Prev) Act, 1967, 6 (1-A) of Wireless Telegraph Act was registered. Look out is being maintained for Indiran Thambi @ Chiranjeevi. Copy of the FIR with its translation is appended as Annexure C. 6.

- (vii) Trichy "Q' Branch, CID. Cr. No. 2/99 u/s 3 r/w 14 of Foreigners' Act, Sec 10, 13(1) & (2) of Unlawful Activities (Prev) Act, 1967

On Specific information, on 7-9-1999 at 1400 hrs. the Trichy "Q1 Branch, CID intercepted two autorickshaws TN-45-D-7452 and TMO 8071 at Karumandapam, Trichy and arrested one of the occupants viz. Rengarajan @ Rengi (39) s/o Sothilingam of Velvettithurai, Sri Lanka, now at No 5, Fourth Street, Vinayaga-nagar, Karumandapam, Trichy, and interrogated him. Interrogation of Rengarajan @ Rengi revealed that he alongwith the following Sri Lankan Tamils and a local and LTTE cadre Indiran (absconding) entered into a criminal conspiracy to procure medicines, fuel and other essentials and to smuggle them to LTTE in Sri Lanka through the coastal areas :

- (a) Thavarajan @ Thavam (34) s/o Sivajothi,
- (b) Gunarathinam @ Gunam (43) s/o Selladurai,
- (c) R. Vinayagamoorthy @ Moorthy (37) s/o. Rethinam,
- (d) David s/o Michael, K.K. Nagar,
- (f) Sreekanth @ Sree (29), s/o. Vadivelu
- (g) Sivakaran @ Siva s/o. Viswalingam,
- (h) Chandrasekaran @ Chandur (34/99) s/o K. S. Natarajan,

Between November, 1998 and February, 1999, they procured medicines in three consignments at Trichy and Chennai worth Rs. 10 lakhs and sent them to Sri Lanka and also purchased a portable generator at Coimbatore for use in LTTE hospital and a Suzuki Motor Cycle for use by absconding LTTE cadre, Indiran. They have also transported saline bottles and medicines on 7-9-99 in the auto rickshaws to be sent with the earlier consignments. Hence the other 4 occupants of the auto rickshaws—Chandrasekaran, Thavarajan, Gunarajachinam and Vinayagamorthy were also arrested in Trichy 'Q' Branch, CID Cr. No. 2/99 u/s 3 r/w Sec. 14 of Foreigners' Act, 1946 and sec. 10, 13 (1) (2) of Unlawful Activities (Prev.) Act, 1967 was registered. Further investigation led to the arrest of three other accused, viz., Sreekanth @ Sree, Sivakaran @ Siva and David. The following contraband were seized in this case;

- a. 10 Card board boxes containing 615 saline bottles and a small box containing 6 pair of gloves and bottle Savlon.
- b. Two auto rickshaws—TMO 8071 and TN. 45—D 7452 belonging to accused Rengarajan @ Rengi.
- c. A portable generator.
- d. 9 code-sheets used by LTTE cadre Indiran.
- e. Suzuki motor cycle KA 05—L. 7841.
- f. An Oxygen gas cylinder.

A copy of the FIR and its translated version enclosed as Annexure C. 7 and C. 7(a).

viii. Ramnad 'Q' Branch CID, PS Cr. No. 2/2000 u/s 14 of Foreigners Act, 1946, 6(a) of Passport Rule. 13(C) of Passport Act, 1967 :

Shri Lankan Tamil Raj apart @ Vasanthakumar @ Jothi @ Ramesh Selvakumar (24) s/o Singarayar, Pulikandi Managane, Jaffna, came as a refugee on 30-3-99 and was accommodated in SP 47/1 in Mandapam refugee settlement. On 5-2-2000, he was arrested by the 'Q' Branch CID, Ramnad near Pamban Bridge, Ramnad—Cr. No. 2/2000 u/s 14, Foreigners' Act, 1946, 6 (a) of Passport Rule. 13 (c) of Passport Act, 1967 was registered against him. Interrogation revealed that he is an LTTE cadre, had undergone arms training at Kopai Training Camp, Jaffna for 2 months and can handle all types of sophisticated weapons. His identity card number in the LTTE is 'VU' 160. He came to India during January 1997, and was arrested by the Branch CID, Madurai under Foreigners' Act and Passport Act. Later, he was lodged in Melur Special Camp in the name of Vasanth Kumar @ Jothi S/o. Singaraja. After the disposal of the case, he was permitted to leave the country for Sri Lanka at his own cost 10-2-1999. However, he came back to India in the garb of

refugee on 30-3-99 and registered in Mandapam Refugee settlement. He is in possession of TELO Identity Card (No. 2355). Vasanthan's visit to India was to smuggle gelatin sticks from India to LTTE in S. Lanka. Copy FIR and interrogation report are/is enclosed Annexure C.8 and C.8(a).

ix. Rameswaram Town PS Cr. No. 195/99 u/s 302 IPC and Sec. 25 (A) Arms Act :

On 6-10-99 : 1900 h the Officer-in-charge, Nava-detachment, Rameswaram handed over a Sri Lankan boat with two dead bodies lying inside along with a report stating that the boat was drifted near olaikuda sea, Rameswaram at 1800 hrs. on 6-10-99 following firing at the boat by two Sri Lankan Naval boats. The same was registered as Rameswaram Town PS Cr. No. 195/99 u/s. 302 IPC and 25(1)(A) of Arms Act. The boat was examined on the spot and found to contain the dead bodies—one aged about 30 years with a pendant with inscription "Tha. Vi. Pu. Oa. 0136" and a cyanide capsule in the neck. There were bullet injuries on the body. The another aged about 20 years, with a pendant inscribing "Tha. Vi. Pu. 0136" on the neck and bullet injuries scar over his left lebow, left shoulder and centre of the head. Further examination of the boat revealed the presence of the following items inside the boat :—

i.	HMG 1 with rounds	320
ii.	MMG 1 with rounds	860
iii.	Missile shoulder	3 Nos.
iv.	Bullet proof jakets	7 Nos.
v.	Missile cover	2 Nos.
vi.	Life jackets	7 Nos.
vii.	YAMAHA OB motors 200 HP	3 Nos.
viii.	HP Trans-receiver	1 No.
ix.	VHP Trans-receiver	1 No.
x.	Motorola spare battery	1 No.
xi.	Navigator/GPS	1 No.
xii.	Liquor	13 Bottles
xiii.	Fire extinguisher	1 No.
xiv.	Map	1 No.
xv.	H.M.G. Empty rounds	72 Nos.
xvi.	M.M.G. Empty rounds	22 Nos.
xvii.	Lungies	4 Nos.
xviii.	Pants	3 Nos.

xix. Banian	1 No.
xx. Slippers	3 pairs

Enquiry reveals that following a fight between the Sri Lankan Navy and the LTTE cadre near Irani Thivu in Sri Lanka on 6-10-99, some LTTE cadres might have escaped in boats. They were given a hot chase by the Sri Lankan Navy in the sea and there was exchange of fire between them. During encounter, the Sri Lankan Naval personnel, chased the escapees upto Olaikuda sea in Rameswaram, opened fire indiscriminately at the boat causing death of two LTTE cadres in the boat. The dead persons were the members of LTTE of Sri Lanka as they are found to wear cyanide capsules and pendant denoting the allegiance to the said militant group. On 5-11-99, the local Police were able to seize one medium Machine Gun with 5 rounds loaded near the sea-shore in a palmyrah grove in Olaikuda village and the same was seized in Rameswaram Town PS Cr. No. 224/99. A copy of the report of Suptd. of Police, Ramanathapuram in C. No. 662/10/SB/RM/99 dated 27-11-99 is enclosed as "Annexure C. 9."

It is further stated in the affidavit that the following instances show that the LTTE is in close nexus with many extremist organisations functioning in India :—

"i. There were series of bomb blast during 1998 and 1999, wherein extensive damages were caused by Muslim fundamentalists in Coimbatore and other areas in the State besides an attempt on the life of the Union Minister for Home Thiru L K. Advani at Coimbatore. Following interrogation of one Tajuddin @ Abu Mujahid, it came to light that a meeting was convened at S.A. Bhasha's house at Chennai attended by Ansari, Oseer, Tajuddin, Zahir Hussain, Mohammed Hani Ali, Oombabu had discussed on the retaliatory action on Nov/Dec. incidents at Coimbatore. Ansari explained that "if you give one, we will get 3 Abdul Radars". Ansari also explained that it meant AK. 47 and that three AK.47 is arranged for Rs 1 lakh. He also told that there is an LTTE drop-out at Coimbatore, converted into Islam and known as Ansari and Ossir are doing some business by visiting Colombo frequently. This is a clear indication of the nexus between Muslim fundamentalists operating in Tamil Nadu and the LTTE. A copy of D.O. Letter in No. 68-98/IG TANSIT/Camp dated 3.4.98 bears testimony to it which is enclosed as Annexure F.I.

ii According to the news report of the Hindustan Times dated 12.6.98, the Govt. of India has directed the Intelligence agencies to mount a close watch on the

activities of People's War Group in the light of its suspected link with the outlawed LTTE. Even the nexus between Pakistan's ISI and the Left Wing Extremists cannot be ruled out. Acquisition of sophisticated weapons by the PWG militants is reported to have forced the Govt. to press panic buttons on the LTTE—Naxalities link. Annexure F. 2.

iii. The nexus between Pakistan ISI and the LTTE has surfaced following the fact that retired Lt. Genl. Naseem Rana of ISI, in a meeting with top extremists in Pakistan, urged them to resume militancy in Punjab and assured sending militants through coastal areas in South India with active co-operation of Tamil Tigers. Report also states that LTTE representatives had also attended the meeting had agreed to extend co-operation in this regard. It is also indicated that Shabeer Hussain, Bangkok based Pakistan diplomat (ISI representative) had invited K T. Rajalingam, LTTE activist, based in Bangkok to a restaurant on 9-9-97. There are also indications that keeping the long term perspective, the training of LTTE cadres in Pakistan is sought to be net work with the activities of Islamic extremists currently active in POK. It is generally known that one Izaz, a Pakistani national, is appointed to look after the management of LTTE "Miramar Shipping Company" at Piraeus, Greece. Involvement of a Pakistani National in the LTTE's sensitive net-work also gives credence to the clandestine agreements between LTTE and Pakistan authorities, thus proves the nexus between ISI, Sikh extremist and LTTE. The information points to a possible tie-up between LTTE and ISI in infiltrating militants through the coastal areas of South India. Copy of the D O. letter in C. 11(A) No. 8462/C dated 6-7-98 is enclosed as Annexure F. 3.

iv. According to the Security Digest for Feb. 1999 the LTTE has enhanced its striking capability by acquiring helicopters and large number of stringer missiles from Kurdish People's party. A copy of the above report is enclosed as Annexure F. 4.

v. With the arrest of underworld don, Ashwin Naik, the Delhi Police claimed to have unearthed an international drug racket established the narco-smuggling activities of LTTE to finance their arms procurement. A copy of the press cutting of the "The Hindustan Times" dt. 12-8-99 bears testimony to it—Annexure F. 5."

Mr Ravichandran has stated in the affidavit that the statements of the accused secured in vellithuruppur PS Cr No. 438/98 and Thanjavur 'Q' Branch, CID Cr. Nos. 2 and 3/99, show that these accused alongwith forest brigand Veerappan had planned to establish a separate State for

Tamil by disintegrating predominant Tamil areas in India, by overawing the lawfully elected Government. Most of the cadres were stated to be given arms training in Sri Lanka by the LTTE and had plans to import such training to the youths from Tamil Nadu in the jungle under Veerappan's command. The following instances have been mentioned in the affidavit which show that the LTTE has continued nexus with other anti-national and militant/extremist groups :—

i. Krishnamurthy s/o Ramasamy, Pushpathur, Palani (a proclaimed offender) concerned in Dindigul Taluk PS Cr. No. 1212/91 (TNRT case) was arrested by the 'Q' Branch, CID, on 5-5-98 and remanded by the Designated Court-II, Chennai. According to the interrogation of the accused, Krishnamoorthy, a native of Anantipatti in Dindigul district had contact with important members of TNRT (Tamil National Retrieval Troops), an organisation with avowed object of forming a separate Tamil Nadu through secession from the rest of India by overawing the constitutionally elected Govt. through armed struggle. The subject participated in the LTTE operations in Sri Lanka against the Sri Lankan Security forces in their ethnic strife alongwith other members of the TNRT during March 1993 and 1994 after undergoing arms training under the guidance of LTTE. The subject further admitted of his return to India during 1994 and alongwith certain LTTE cadres for procuring essentials including petrol, diesel, electronic equipments, medicines, etc. for the use of LTTE in Sri Lanka. On his return to India, he joined Veerappan's gang ostensibly to create a separate Tamil nation for Tamil through secession and towards this end, to impart arms training in the dense forest area where Veerappan dwells.—Annexure—D. 1.

ii. Vellithiruppur PS Cr. No. 438/98 u/s 397, 427, 332, 307 IPC r/w. 25(1) (A) Arms Act.

On 20-12-98 at about 2130 Hrs. Thiru K. Manickam, S.I. of Police, HCs, 723 Manickam, 460 Ayyannan, Gr. I PCs. 288 Kuppasamy (Station writer), 585 Thamaraiselvan, 318 Selvaraj (Sentry), 367 Duraisamy, PC 238 Eswaran were available at Vellithiruppur Police Station. Out of them, S. I., HC 460 Gr. I PC 288, 585, 367 were at the writer's room and the remaining HC 723, PC 238 and 318 were at the waiting room. Suddenly, a gang of 5 members wearing green uniform, armed with guns entered into the writer's room, threatened the inmates not to move anywhere and one of them fired at the EB main which hit the wall, while one of them assaulted HC 460 Ayyannan with a sickle, handle on his right side head, causing bleeding injury and another attacked Gr. I PC 367

Duraisamy with the butt on his hip, and others damaged the telephone and VHP sets after tying the inmates with nylon ropes. They broke open the box at the writer's room and looted the following properties

i. Revolver	—	1
ii. Revolver rounds	—	5
iii. 410 ammunition	—	100
iv. Buckshots	—	90
v. Hand cuffs	—	2
vi. Cash	—	Rs 4720

Meanwhile, Veerappan, the notorious sandalwood smuggler, alongwith 4 others, armed with SLR entered the waiting room, threatened, tied the Policemen at gun point, broke open the arms room and looted :

- i. Nine 410 muskets with bayonet
- ii. One SBBL gun deposited by a public for safe custody at the Police Station.
- iii. Uniforms including belt, shoes and cap, etc. of the Policemen

After the operation, they confined all the inmates of the Vellithiruppur Police Station in the writer's room and waiting room respectively and escaped. In this connection, a case in Vellithiruppur PS Cr. No. 438/98 u/s. 397, 427, 332, 307, IPC r/w Sec. 25 (1) (A) of Arms Act was registered on 21-12-98 at 2300 Hrs.

On 17-2-99 at Vilankudy, a dense forest area near Anthiyur, accused Siva @ J. P. @ Jayaprakash, (30) s/o Ramasamy of Coimbatore, a member of TNRT (Tamil National Retrieval Troop) was arrested that led to the detection of the case and solving the mystery. Interrogation of Siva @ J.P. @ Jayaprakash revealed the involvement of Forest Brigand Veerappan and his associates Govindan, Rengasmy, Sathya @ Kandasamy, Muthukumar, Manikandan, Saravanan Siva, Mahalingam and Rasu. Following the arrest of the TNRT cadre, on 18-2-99 at Kovilur village in Erode District P. Mahalingam (40) s/o Murugan and Rasu @ Vaikkunthan (20) s/o Murugan of Kovilur village, were arrested. Another member of the gang, Saravanan @ Kumar @ Methaiyan, a TNRT cadre, was subsequently arrested on 19-2-99 at Annur. A Police Belt and one SI cap, looted by the gang at Vellithiruppur PS were seized. Further, the following accused were also arrested at Thanjavur on 18-11-99 by Q Branch CID.

1. Muthukumar (a) Pandian (a) Ayyavu s/o Sundaram (TNRT cadre)

2. Sathiyamurthy (a) Sathiya (a) Kandasamy s/o Nadarajan of Pudukottai (LTTE sympathizer)

3. Manikandan (a) Mani (a) Gopal s/o Annamalai Pillai of Pudukottai (Indian LTTE agent earlier arrested in Manamelkudi PS Cr. No. 161/96 for smuggling to Sri Lanka)

A 380 revolver with 5 rounds of ammunition was seized from the possession of Muthukumar (a) Pandian (a) Ayyavu, which is one of the arms looted by the Veerappan gang from Vellithiruppur PS. A 9mm pistol with 15 rounds of ammunition was also seized from accused Sathiyamurthy (a) Sathiya (a) Kandasamy. A case in Thanjavur "Q" Branch, CID Cr. No. 2/99 u/s. 7 r/w sec. 25 (1-A) Arms Act, 1959 was registered for the illegal possession of arms by the above three accused. Interrogation of the above three revealed that Muthukumar, after his coming out on Bail in Manamelkudi PS Cr. No. 161/96, joined Veerappan gang along with his associates, Manikandan, Sathiyamurthy, Jayaprakash and Saravanan and actively participated in the Vellithiruppur PS attack. The details of their statements are appended in the succeeding paragraphs. Interrogation of Muthukumar (a) Pandian revealed that he had taken efforts to recruit large number of people to form a guerrilla force in forest to fight for separate Tamil Nadu and the objective of looting the Police Stations was to provide arms to the gang. Incidentally, Pandian (a) Muthukumar is a TNRT cadre trained by LTTE and had participated in several battles for LTTE. He was sent to India to do smuggling. He sent several consignments of POL, medicines etc., along with LTTE cadre. In this connection, a case was also registered in Manamelkudi P.S. Cr. No. 161/96 and he was also arrested. After release from jail, he joined Veerappan gang. The LTTE connection of muthukumar and the establishment of Veerappan connection later signals ominous trends and suggest the larger objective of LTTE. The association of 4 LTTE trained TNRT cadres namely Krishnamoorthy, Siva, Saravanan and Muthukumar with Veerappan give weight to the above designs by LTTE. A copy of the letter in C. No. 2350/SB/X/Erode/98 dated 25-12-1998 addressed to the Director General of Police, Tamil Nadu is enclosed as Annexure D.2.

(iii) Thanjavur "Q," Branch, CID Cr. No. 2/99 U/s 7 r/w 25(1)(A) of Indian Arms Act.

This is a case of arrest of Muthukumar (a) Pandian (a) Kumar (a) Ayyavu (a) Rajan (a) Karvannan (a) Ravi (31/99), s/o Sundaram of 20/C Shanmugapuram, Palani alongwith Manikandan (a) Mani (a) Loose Mani (a) Inian (a) Stephan (29/99) s/o Annamalai, No. 18, Kamarajapuram, Pudukottai and Sathiyamurthy (a) Murthy (a) Sakthi (a) Kandasamy (a) Neelan (27/99) s/o Nadarajan of 52, Kamarajapuram, Pudukottai on 18-11-99 by the "Q" Branch, at Thanjavur.

A revolver with 5 rounds was seized from Muthukumar while a 9 mm Pistol with rounds was seized from Sathiyamurthy, which was admitted to be the one looted from Vellithiruppur Police Station. In the course of interrogation, Muthukumar admitted his acquaintance with Jawahar Habeeb, Balu and Pannecr, with the LTTE his sympathy towards LTTE, the subject started pasting posters and collecting funds. One Guna and the said Balu, hailing from Palani had lured and tutored the subject of the necessity to attain separate Tamil Nadu for Tamils through armed revolution like the LTTE struggle for a separate Tamil Eelam in Sri Lanka. The subject had arms training with one Selvam of TNRT for two years and took active part in LTTE's operations there. The subject returned to Tamil Nadu during 1993 for procuring essentials and send them to LTTE in Sri Lanka. He returned from Sri Lanka by end of 1993, procured electronic goods and medicines with the help of one mani-Kandan of Pudukottai and sent them to Sri Lanka for about 40 to 50 times through boats. This accused was earlier arrested at Manamelkudi in Pudukottai district, when he attempted to smuggle materials to LTTE—Manamelkudi PS Cr. No. 161/96. When the subject was lodged in Central Prison, Chennai during 1997, Jayaprakash and Krishnamurthy, TNRT cadres met the subject in prison and spoke about the attaining an independent Tamil Nadu and also insisted for a struggle. They also suggested for the establishment of an independent organisation. The subject, in turn, suggested arms training in the dense forest areas could be conducive. On his release from jail, the subject was informed of the acceptance by sandalwood Veerappan for giving arms training in the forest areas where he dwells. It was decided that Sathiyamurthy (a) Sathya of Pudukottai would be made in charge of training in the forest and the subject should look after the political affairs by remaining in the plains. Apart from Sathiyamurthy, Jayaprakash and Krishnamurthy were to look after the training programme, one manikandan, a close friend of the subject, had agreed to help the subject in the political affairs. But, Krishnamurthy was secured by the Police. During December, 1998, the subject met Veerappan in the forest and held discussions on Tamil Nadu Liberation Army and demand for a separate Tamil Nadu, and the necessity to impart arms-training in the forest. Veerappan had suggested abduction of govt. officials as hostages to keep the Govt. at stake, looting some Police Stations for strengthening their weaponry and selected Vellithiruppur Police Station to decamp with arms and ammunition. As a result, the subject alongwith others decamped with 410 muskets, one revolver, one single barrel rifle besides ammunition, caps, belts, etc. after locking the Police personnel inside the Police Station. The subject further confessed of the proposed

formation of a separate chauvinist organisation in aid of LTTE and for the formation of a separate Tamil Nadu, decided to attack some banks in Thanjavur district with a view to augment their resources. Accused Sathyamurthy and Manikandan corroborated the version of Mafchukumar. Copies of the FIR in Tamil, confession statements of accused and the special report of Inspector, 'Q' Branch, CID with its translation are appended as Annexure D.3 & D.3(A).

(iv) Thanjavur "Q" Br CID Cr. No. 3/99 u/s 5 of Explosive Substances Act, 1908

On 21-11-99 at 1730 hrs the "Q" Branch, CID, Thanjavur secured one Muruganandam (a) Veeran (a) Anand (a) Murali (27/99), s/o Venkatachalam Pullavarayar, North Street, Pullavarayankudikadu, Needamangalam taluk and seized from his possession two gelatin-sticks, 3 electric detonators. He was asked by one Sivakumar to muster support Tamil youths for achieving a separate Tamil Nadu through armed revolution as LTTE struggling for an independent Tamil Eelam in Sri Lanka. By end of December, 1990 the subject left for Sri Lanka alongwith 10 other youths, given training in physical exercise and arms training besides technique to operate SLR, SM 303 and AK-47 at Palai, Sri Lanka. The training was imparted by the LTTE only to these gullible youths to demand for separate Tamil Nadu. When the training was about to be completed, Rajiv Gandhi was assassinated in Tamil Nadu and in celebration of this, the organisation distributed sweets on that day. The subject with Arimavalavan and Shanmugasundaram fabricated bottle bombs. The subject met Muthukumar in the house of Trichy contact and discussed LTTE's arms training in Sri Lanka. Muthukumar reportedly apprised the subject of his arrest by the Police for smuggling activities, his coming out on bail, his jumping the bail condition thereof. He informed the subject on his contact with sandalwood Veerappan, establishment of a training base in the forest etc. and solicited the subject's willingness to join the organisation and to give arms training since the subject had already undergone such a training under LTTE in Sri Lanka. The subject informed Muthukumar, the need to have a "Tamilar Pasarai" in Tamil Nadu. Maran extended support to the views of Muthukumar in giving arms training with the help of sandalwood Veerappan in the jungles.

From the materials, this may be noticed that accused Muruganandam is a member of Tamilar Pasarai, fighting for the formation of a separate Tamil State for Tamils in India through disaffection and by armed revolution looting banks and other financial institutions to augment their resources and to do away with any one interrupting in their way. Members of Tamilar Pasarai have

already come to notice in Chennai City B.3 Fort Police Station Cr. No. 160/90 in which two of the accused concerned were convicted to various terms of imprisonment under 3(3) and 4(1) of TADA Act on 12-5-97. In this case, members of the organisation had planted a powerful time-device at the Secretariat on 20-9-90 to cause explosion at the Secretariat, when the National Integration Council Meeting was to be held on 20-9-90 attended by dignitaries. A copy of the FIR in Tamil together with the confessional statement of the accused and the translated versions thereof are appended as Annexure D-4 to D5.

v. According to a report in the New Indian Express dated 28-11-99, one Saravanamoorthy of Thiruppar was arrested in Asanur forest area while transporting 15 sets of uniforms containing initials indicating that they were supplied to Sethukun Govindan and Veerappan. Accused Saravanamoorthy also raised slogans hailing LTTE when produced before the court at Sathyaman-galam. This accused admitted of his having undergone arms training under LTTE in Sri Lanka and confessed that 15 ultras were with Veerappan who had also undergone similar training under LTTE in Sri Lanka. The accused further said that at the time of unveiling the statue of Thiruvalluvar at Kanyakumari on 1-1-2000, Prabhakaran, the LTTE Chief would rule Tamil Eelam. A copy of the paper cutting is appended as Annexure D.6.

On 30-7-2000 Kannada film actor, Dr. Rajkumar and 3 others were abducted by Veerappan and his gang from Doddagatana in Tamil Nadu close to Karnataka border. Veerappan in one of his demand had asked for release of Muthukumar (TNRT), Manikandan (TNRT sympathizer) Sathya (TNRT sympathizer) Venkatesan (TNLA) and Pennivalavan (TNLA), and to hand them over to him. This indicates the nexus between TNLA, TNRT and Veerappan. The objective of TNLA and TNRT is for secession of Tamil Nadu from Indian union. Copy of the Hindu dated 27-8-2000 indicating about the presence of these elements with Veerappan under the title "Western ghats may turn havens for militants" (Annexure D-7).

The Editor of Nakkeeran, Thiru R.R. Gopal who is negotiating on behalf of Tamil Nadu and Karnataka Govts., met Veerappan gang and brought out few articles in his magazine. In the recent issue of Nakkeeran, a photograph of Veerappan gang members with few TNLA cadres were found saluting the flag of Tamil Nadu Liberation Army. The occasion was paying respect to their departed leader Tamilarasan whose remembrance day falls on 1st September. R.R. Gopal also covers the speech of TNLA extremist, Maran. Maran says that they would follow the ideologies of late Tamilarasan whose goal was liberation of Tamil Nadu (Annexure-D8) 20. It may be submitted that the following cases including those coming under the TADA Act,

Unlawful Activities (Prev. Act, 1967, etc., registered earlier are still alive even in the present scenario, some of the LTTE cadres and members of Tamilaar Pasarai and Tamil Nadu Liberation Army, concerned in these cases, are still at large and efforts are still on to secure them.

- (i) Kullanchavadi PS Cr. No. 346/93 u/s 147, 148, 151, 307, 332, 386 r/w. 149 IPC and Sec. 4 and 5 of Tamil Nadu Property Prevention of Damages and Loss Act, 1993, Sec. 3 of Explosives Act and Sec. 3, 4, 5 and 6 of TADA Act.
- (ii) Ammapet PS Cr. No. 429/94 : This case had occurred on 24/25 May, 1994 and the case was charged on 17-11-94 against 18 accused u/s 120-B, 302, 307, 114 IPC, Sec. 3 and 5 of Explosive Substances Act, 1908, Sec. 25(1)(a) Arms Act, 1959, Sec. 3 r/w 6(1) (A) of Indian Wireless Telegraphic Act, 1933, Sec. 3(2)(1) and (ii), 3(3), 3(4) and 5 of TADA (P) Act, 1987.
- (iii) Mannargudi PS Cr. No. 924/94 u/s 120(b) IPC, 392 r/w 109 IPC 307 r/w 109 IPC, 4(b), 5 of Explosives Substances Act, 1908, Sec. 25-1A of Arms Act, 1959, Sec. 6(1)(a) of Indian Wireless Telegraphy Act, 1933, Sec. 3(3), 4(2) (ii), 4 and 5 of TADA Act, 1987
- (iv) Chintadripet PS Cr. No. 354/95 u/s 223, 224, 34, 109 IPC and Sec. 14 r/w 3 and 4 of Foreigners, Act.
- (v) Madurai City "Q" Branch, CID Cr. No. 1/96 u/s 120(B) IPC r/w Sec. 13 (2) of the Unlawful Activities (Prev.) Act, 1967, Sec. 25(1) (A), r/w Sec. 7 of Arms Act, 1959 and Sec. 3 r/w Sec. 12 of Passport Act, 1967.
- (vi) Andimadam PS Cr. No. 234/97 u/s 120(B), 147, 148, 450, 332, 395, 397 r/w Sec. 4 and 5 of Explosive Substances Act, 1908 and Sec. 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992.
- (vii) Manamalkudi PS Cr. No. 161/96 u/s 7 of Arms Act r/w 25(1) (c) Arms Act, Sec. 13 of Unlawful Activities (Prev.) Act, 1967 r/w Sec. 12 of Indian Passport Act, (a) 120(B) IPC, 13(2) of Unlawful Activities (Prev.) Act, Sec. 25(1) (A) of Indian Arms Act r/w 7 of Arms Act, 1959
- (viii) Vellore North PS Cr. No. 889/95 u/s 224, 225 (a) 120(B) IPC, 109 IPC r/w Sec. 14 of Foreigners' Act.
- (ix) Dindigul Taluk PS Cr. No. 1212/91 Sec. 3 to 6 of TADA Act.
- (x) Chennai City, R-2 Kodambakkam P.S. Cr. No. 1205/90 u/s 120 (B) and 302 IPC r/w Sec. 3 of TADA Act.

Subsequent to the last extension on the ban on the LTTE in 1998, some of the cases registered since 1990 onwards pending trial before various Courts have stated to be ended in conviction based on the evidence led in. The details of the important cases that ended in conviction are given below :—

- (i) Madurai City "Q" Branch, CID, Cr. No. 1/98 u/s 13 (1) (2) of Unlawful Activities (Prevention) Act, 1967, Sec. 12 (a) r/w Sec. 3 of Passports Act.

On 14-8-98 at 1330 hrs. one Arunachalam Nadar (48/98) s/o Krishnasamy Nadar, 2/801, Manoranjaitham Street, Ezhil Nagar, Ayyar Bungalow, Madurai, who was in the habit of procuring essential commodities for the use of LTTE in Sri Lanka was arrested with two artificial limbs and two supporting sticks and certain bills and lists of articles to be procured etc. for LTTE. The above case was registered and on his confession one lorry MDK 2692 and Vallam (country boat) owned by accused Arunachalam Nadar were seized at Pamban seashore with the contraband, viz., Battery cells, books, video cassettes, clothes, film rolls, etc., all worth Rs. 2,50,000 and LTTE operative Sekar @ Mani @ Raman (34/98) s/o Anthony Pillai, Kangesanthurai, Sri Lanka and 3 other LTTE cadres, Anton @ Udayan (24/98) s/o Kandaiah, Velanai, Jaffna, Sri Lanka, Chandrakumar (30/98) s/o Mayilvahanam, Murasumodi III Unit, Kilinochchi, Sri Lanka and Mohanaguru (27/98) s/o Rajakulasingham, Jaffna, Sri Lanka, were arrested and all of them sent for remand. After due investigation the case was tried by JM II Madurai in CC No. 660/99 and on finding the accused the guilty of the charges, they were convicted (except Arunachala Nadar) to various terms of imprisonment on 17-2-2000 as detailed below :—

- (a) A. 2 Sekar was convicted and sentenced to undergo RI for 3 months u/s 120 (B) IPC.
- (b) A. 3 to A. 5 were convicted and sentenced to undergo RI for 1 year and to pay a fine of Rs. 500 each u/s 10 of Unlawful Activities (Prevention) Act, 1967.
- (c) A. 2 to A. 5 were convicted and sentenced to undergo RI for 1½ years and to pay a fine of Rs. 500 each u/s 13(1) of Unlawful Activities (Prevention) Act, 1967
- (d) A. 2 to A. 5 were convicted and sentenced to undergo RI for 1½ years and u/s 13(2) of Unlawful Activities (Prevention) Act, 1967.

(f) A. 2 to A. 5 were convicted and sentenced to undergo RI for 1 Vt years and to pay a fine of Rs. 500 each u/s 14 of Foreigners Act, 1946.

(g) All the sentences are to run concurrently.

(h) The case against A.I Arunachalam Nadar is split up in CC No. 59/2000 in J.M. II Court, Madurai. Copy of Judgment is enclosed as Annexure E.1.

(ii) J.2 ADAYAR P.S. CR. No. 42/91

This case relates to the seizure of 10 passports, 9 mm pistol rounds—4, a fax machine and some foreign currencies, etc. from LTTE cadre Eswaran and 6 other Sri Lankan Tamils on 6-2-91 in Chennai following a house search at No. B 15, Nithya Apartments, Gandhinagar, Adyar, the case which was charged before 11th mm Court, Chennai in CC No. 4942/94 ended in conviction on 29-4-98. The accused were charged u/s 120 (B), 506(2), 124(a), 474, Arms Act, Sec. 3(1) u/s 25 (Ib) (a), Indian Passport Act, 1967, Sec. 12(1)(A) & 12(1)(C). The accused were convicted to various terms of imprisonment in CC No. 4942/98. A copy of judgment is enclosed as Annexure E.2.

(iii) Chennai City "Q" Branch, CID Cr. No. 1/99.

One Chockalingam s/o Kuppan Chettiar, No. 36, Kamajajar Salai, Ashok Nagar, Chennai was harbouring LTTE cadre Vijayakumar in a hideout and helping in procuring essential items for LTTE in Sri Lanka by transporting clandestinely and that Chockalingam had helped LTTE cadre Vijayakumar by providing him with a cellular phone. Further, the said Vijayakumar was also operating morse key and wireless sets clandestinely along with Chockalingam in a house at Visakathottam, Mettupalayam, Saidapet, Chennai and a woman- Selvi was also assisting him. Certain incriminating documents were also seized and after a through investigation, the case was charged before XI Metropolitan Court, Saidapet, Chennai in CC No. 6499/98 and charged u/s 10 of Unlawful Activities (Prev.) Act, 1967 and 120 (b) IPC r/w Sec. 13(1) (a), 3 r/w Sec. 6 (1) (a) of Indian Wireless Telegraphic Act, 1933. The accused were convicted to various terms of imprisonment including under Unlawful Activities (Prev.) Act. Copy of judgment in Tamil is appended as Annexure E. 3.

(iii) Thanjavur Medical College Hospital PS Cr. No. 154/97

This is a bomb blast case that occurred on 6.6.97 at the TV Relay Station Thanjavur. Two unknown persons threw 2 explosives while one exploded another remained unexploded causing minor damages to the TV antennae. The accused left 6 handwritten notices brought out by Tamil National Red Army at the scene outside the compound wall demanding action against the Sri Lankan Army for their hostilities towards the Sri Lankan Tamils, against Sri Lankan Navy for killing Indian fishermen, demanding Central Govt's interference, etc. It is evident that this militant organisation with chauvinist outlook have been in support of the LTTE, a banned organisation in India and advocating their ideals. It also demanded recognition of Tamil Eelam as a separate nation and to impose a ban on economic aid to Sri Lanka, etc. The Special Court at Poonamallee, on 16-2-2000, convicted and sentenced the accused to undergo RI for 5 years and to pay a fine of Rs. 500 in default RI for 5 months u/s 3 of Explosive Substances Act, 1908, to undergo RI for 4 years and to pay a fine of Rs. 400 in default RI for 4 months u/s 4 of Prevention of Damages to Public Property Act, 1984 and to undergo RI for one year and to pay a fine of Rs. 100 in default RI for one month u/s 324 IPC. Copy of judgment is Annexure E.4.

(v) On 28-7-99, Maheswaran @ Maha @ Umakandhan (27) s/o Sivagnanam, was arrested by the "Q" branch, CID on Anna Salai while moving in a suspicious manner. He was not in possession of any travel documents for his presence in India. On his admission that he is an LTTE drop-out and came to mandapan to smuggle diesel and petrol to Sri Lanka. Indian currency Rs. 33,300 was also seized from his person. A case in Chennai City "Q" Branch, Cr. No. 3/99 u/s 12 (1) (c) of Passport Act, 1967 and Sec. 14 of Foreigners' Act, 1946 was registered and tried before the Addl. CMM, Chennai in CC No. 1512/2000. On 14-2-000, he was convicted and sentenced to undergo RI for 7 months and to pay a fine of Rs. 500 u/s 12 (1) (c) of Passport Act, 1967 and Sec. 14 of Foreigners Act, 1946. A copy of the FIR is enclosed as Annexure E. 5 and copy of judgment is appended as Annexure E. 5 (A)"

Despite being banned first in 1992 to be effective for two years and the subsequent extensions from time to time, the LTTE continues to be in their hot pursuit of terrorist acts unmindful of its effect. According to Mr. Ravichandran, the instances that had come to the notice subsequent to the last extensions were :—

- i. 18-5-98 : The newly-elected high-profile Mayor of Jaffna, Ms. Sarojini Yogeswaran, on 17-5-98 was assassinated by two suspected LTTE activists. The murder dramatically raised the stakes for the Sri Lankan government in its ongoing efforts to reintroduce a civilian political progress in the war-ravaged citadel of the country's minority Tamils. Justifying the killing of the 61 year old lady, the unidentified LTTE leader told the "Uthayan" that Tamil politicians like Mrs. Yogeswaran had "betrayed" the Tamils by opting to contest elections, which were but part of a larger "Sri Lankan conspiracy to hoodwink the Tamils." The LTTE, and other organisations "emerging from the people" like the Sangiliyan Padai, had warned that the Tamils should not contest the local bodies' elections in the Jaffna peninsula, he recalled. And yet, people like Mrs. Yogeswaran defied the call, "One cannot therefore prevent the LTTE or peoples' organisations like the Sangiliyan Padai, from assassinating such the people," he said. Annexure G. 10.
- ii. The LTTE leader Velupillai Prabhakaran has warned that rivers of blood would flow, if the Sri Lankan Govt. continued its military onslaught against the separatist group. He was addressing over clandestine "Voice of Tiger" on the first anniversary of the military operations. Amidst all the rhetoric, Prabhakaran hinted in his address that the LTTE could not hold out forever against a conventional army, and said that would not prevent them from hitting back wherever possible, "Even if the army manages to open the highway, the LTTE will be able to infiltrate its defences and carry out attacks". A copy of the new clipping of the Indian Express is enclosed as Annexure G. 11.
- iii. Facing an acute shortage of indigenous fighting cadres, the LTTE had deployed an unspecified number of Indian recruits from the extremist groups of Tamil Nadu in their quest against the Sri Lankan security forces in Vanny area. These recruits from Tamil Nadu come from fringe pan Dravidian groups like the Tamil Nadu Meetpu Padai (Tamil Nadu Retrieval Troops), it is also reported that TNRT is having touch with the LTTE for long and participate in the LTTE's plot to assassinate EPRLF leader K. Padmanabha in June 1990. The TNRT is fighting for a separate Tamil Nadu, has been credited with a number of small time bombing in Tamil Nadu. A copy of the paper clipping of the Hindustan Times dated 31-5-98 is enclosed as Annexure G. 12.
- iv. 18-6-98 : Sri Lankan Tamils living in the West are asked to contribute a minimum of Indian Rs. 13 million for the defence of the 26 pro-LTTE persons sentenced to death by a trial court for aiding and abetting the assassination of former Indian Prime Minister Rajiv Gandhi. An appeal by them is now pending before the Indian Supreme Court. The court had earlier stayed their execution. One of the counsels S. Doraiswamy, while in UK asked people to contribute at the rate of Rs. 5 lakh per defendant Though the LTTE is flush with funds, it is clearly unwilling to get involved in this effort directly or indirectly through its known front organisations. But the Indian lawyer in question is a known LTTE sympathiser and leader of the Periyar Dravida Kazhagam, a radical breakaway group from the Dravida Kazhagam led by K. Veeramani. Annexure - G. 13 - "The Island" dated 18-6-98.
- v. In the Rajiv Gandhi assassination case, the LTTE had received two consignments of arms and ammunition from two Lebanese nationals just over a month before Rajiv Gandhi's assassination on May 21, 1991 according to a top secret note of Intelligence Bureau. The note, sent on April 24, 1991, by then Joint Director N. V. Vathsan to the IB Director, identified the Lebanese nationals as Ibrahim, based in Cyprus, and Charles Obed. Charles Obed, whose daughter was married to the son of a mafia don Joseph of Beirut, was also to pay \$ 200,000 to the LTTE, the note said. "Joseph also deals in arms and is suspected to have connections with the CIA" of the United States, it said. K. Padmanathan, who was in charge of raising funds abroad for the LTTE, was in touch with these arms dealers and made purchases. The LTTE ship Yelicia was scheduled to touch Tuticorin harbour on April 29. The other vessel Sunbird, belonging to the group, was then in a Malaysian Port, Kuching, according to the note. The note and several

- other wireless messages of the LTTE intercepted by the IB have been published in a book Beyond the Tigers - tracking the Rajiv Gandhi assassination to be released late this month. According to the book, Padmanathan alias "KP" had sent a coded communication from Cyprus to LTTE chief Velupillar Prabhakaran, indicating that he would be in a position to spare one million dollars for buying arms and ammunition, provided the amount was returned within two months. A copy of the paper clipping in "The Hindu" dated 2-8-98 is appended as Annexure G.14.
- vi. According to the New Indian Express dated 22-8-98, it is reported that the Sri Lankan Police had issued a special warning to the public about the possible attempts by the LTTE to explode cassette bombs, one of its latest innovations even as they began an intensive hunt to locate an LTTE lorry strapped with explosives. A copy of the paper clipping is enclosed as Annexure G. 15.
- vii. The MHA has reported that the Sri Lankan authorities are monitoring the activities of LTTE, including boat movements off the coastal areas in the North and East provinces. In view of reports regarding the possibility of arrival of a consignment of arms and ammunition from the South East Asian Region, 5 LTTE boats reported to have left the shores on August 27 to be in readiness for receiving the consignment. A copy of the Govt. of Tamil Nadu reference in Sr.III/1725-1/98 dated 9-9-98 of the Public (SC) Department is enclosed as Annexure G.16.
- viii. According to the information received from the Govt., the LTTE International Secretariat, London has approached some Tamil politicians for facilitating medical treatment for the injured cadres in the State. In this connection, the LTTE are again trying their best to revamp their strategy by winning over those political personalities (Annexure G.17).
- ix. The LTTE has joined the radio boom in Sri Lanka starting a daily island wide shortwave broadcast to supplement its existing limited range daily FM transmission. Put through in Tamil, the clandestine "Voice of Tiger" shortwave radio station can be heard on 41 metre bands from 7.00 to 8.30 hours and 1900 hrs. 2030 hrs. Those who heard the broadcasts said that news about the LTTE's military campaigns were supplemented by revolutionary songs extolling the LTTE and the Eelam Tamil Liberation movement. Nobody knows how powerful the shortwave transmitter is, but reception is said to be weak in the evening. Earlier, the LTTE had indicated that it was going to start a Sinhalese programme aimed at the Sri Lankan Army troops in the Wanni. But this is yet to fructify. "The Hindustan Times"- 17-12-98 - Annexure G.18.
- x. The LTTE has been maintaining a global wireless network with Headquarters at London and have been passing on coded messages to their cadres elsewhere in the world to carry out certain instructions prejudicial to the security of the countries concerned. Such inputs appears to have serious implications and State Intelligence System in coordination with the Centre Intelligence agency have been activated. A copy of D.O. letter in C.11 (A) No 5965/M dated 26-6-1999 from DIG CID INT addressed to the Joint Director, SIB, Chennai is appended as Annexure G 19.
- xi. According to information of the Govt., the International Communication network of LTTE communication station, London, one Ranga has been probably earmarked by the LTTE for a suicidal mission. In this connection, on behalf of Ranga, a person reported before the LTTE authorities and indented of items like:
- (a) Black cloth
 - (b) Wire gauge - 1 sq. mtr.
 - (c) Yellow rope - 10 mtrs.
- Circular C.11 (A) No 5965/M dt. 29-6-99 - Annexure - G.20.
- xii. The LTTE blasted a ship of a Private Firm hired to transport on 25-7-99 inside Trincomalee harbour. The ship transported 300 to 400 passengers daily to Muttur. A copy of paper cutting of "The Island" dated 26-9-99 is enclosed Annexure-G.21.
- xiii. Moderate Tamil leader and TULF MP, Dr. Neelan Thiruchelvam, was assassinated by a suicide bomber yards away from the Prime Minister's official residence in Colombo. Dr. Thiruchelvam, also a leading lawyer, was on his way from his residence to his office when the assassin, suspected to be LTTE, struck and killed him instantaneously injuring the driver and a body guard. Six Police personnel in an escort vehicle were also injured... Dr. Thiruchelvam was 55 and was a known

- constitutional expert and close to the President, Ms. Chandrika Kumaratunga. He was a member of the think-tank behind the Indo-Sri Lanka Accord of 1987 and later assisted the Sri Lankan Govt. in evolving a devolution package for the Tamils of the north-eastern province, which the LTTE rejected- "The Island dated 30-7-99 - Annexure G.22.
- xiv. 12-8-99: According to the news report of the Island, the Swiss Embassy at London had refused to grant visa to the LTTE's theoretician Anton Balasingam to visit Switzerland to attend a series of LTTE organised events. According to Sri Lankan authorities, Balasingam left for U.K. illegally by entering Thailand before entering U.K. The decision on the part of the Swiss Govt. was widely acknowledged. Annexure - G.23.
- xv. According to the news contained in Eela Nadu, a Tamil Weekly for 3-8-99 to 9-8-99, the LTTE has since acquired a ship load of warfares from East European country. These warfares of heavy duty in nature and the ship reached the LTTE through Mullaitheevu in Jaffna on 28-8-99. The arms were off loaded after the ship was anchored in mid-sea before being transported to LTTE headquarters through boat. This is a clear indication of the undaunted efforts on the part of LTTE to carry on with the ongoing struggle with the Sri Lankan security forces with the object of achieving a separate Tamil Eelam for Tamils in Sri Lanka - Annexure G.24 & 24 (A).
- xvi. Apart from the above materials the LTTE is posing a grave threat to the Prime Minister of India, Congress (I) President Smt. Sonia Gandhi and Mr. P.K. Mohanta, Chief Minister of Assam by employing persons as human bombs along with militant groups like Sikh extremists, J&K militants, ULFA and others. A copy of the Radio-Message in SCA No-8539/C dated 14-8-99 of the Security Branch is appended as Annexure G.25.
- xvii. The United States have redesignated 27 organisations including the LTTE as Foreign Terrorist Organisations (FTOs). The US State Dept. said "redesignation is a positive act and represents a decision by the Secretary of State that the organization still meets the criterial specified in law." "The Anti-Terrorism and Effective Death Penalty Act of 1996 authorizes the Secretary of State to make these designations every two years. Additions could be made to the list at any time." The State Department said the Liberation Tigers of Tamil Eelam (LTTE) also known as Tamil Tigers and Ellalan Force has front organisations such as World Tamil Movement (WTM), the Federation of Associations of Canadian Tamils (FACT) and the Sangillan Force.
- xviii. The LTTE have acquired sophisticated SAM missiles which can escape detection by radars and are capable of jamming them. According to information, the LTTE is suspected to have used a SAM-7 missile to cause a mid-air explosion in a Sri Lankan Air Force helicopter carrying 4 crew members on 26-6-98 near Vavuniya Air base in Sri Lanka. The LTTE are known to be using young girls escorted by elderly persons for sabotage operations. An uncorroborated report indicates that C.K. Pille, an LTTE activist along with two other activists - Kanta Pille and P.Naik were noticed (June 13-1998) staying in Hotel Everest, Kathmandu. It is frequently used by the ISI for furthering their activities in Nepal. The LTTE activists were awaiting the arrival of some of their associates from Jaffna to chalk out a plan to infiltrate into India from Nepal targeting Indian VIPs including L.K. Advani, Union Home Minister and George Fernandes, Defence Minister. A copy of memorandum in C.11 (A) No.12597/C dated 17-10-1999 is appended as Annexure - G.26."
- In view of the ongoing struggle with the Sri Lankan security forces in Sri Lanka, the LTTE stated to continue to remain a potent terrorist movement and the demand for Tamil Eelam concept finds a strong echo in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and Indian Tamils. Following are some of the incidents which show that the pro-LTTE groups will always try to stimulate the secessionist sentiments and enhance their support base for LTTE in Tamil Nadu :—
- "i. In an article by P. Nedumaran, leader of Tamilar Desiya Iyakkam, in Eela Muresu for 3-12-98 to 9-12-98, even before attaining independence, people from Asia and African continents were looking for the support of the people of India to their guidance for independence.Even the UDF Govt. under Deva Gowda and I.K. Gujral, were adopting

the same policy on Sri Lankan Tamil affairs as was before during Rajiv Gandhi's tenure though they were opposed to the Sri Lankan Tamils. It is also said that there is no necessity for the BJP Govt. at the Centre to pursue the same path. None can sign the close bond of affection between Indian Tamils and Sri Lankan Tamils and asserted that the new Govt. should realise, otherwise they have to face the consequences thereof. Further if the Indian Govt. extends help to the Sri Lankan Govt. either directly or indirectly, there is nothing wrong in extending similar support by the Tamil Nadu Tamils to Eelam Tamils in Sri Lanka During liberation struggle in Spain, Prime Minister Nehru sent Indian youths to Spain to help the liberation forces and if it is justified, the author asserts that in similar manner, the youths from Tamil Nadu should also be sent to help the Tamil Eelam people, which none can prevent. If the Indian Govt. extends help to the Sri Lankan Govt. in the genocide of Tamil race, the Tamils in Tamil Nadu would help LTTE in Sri Lanka and none can prevent. A copy of article and its translated version is enclosed as Annexure G. 1 and G. 1(A).

ii. The Tamil Nadu Marxist Leninist Party (TNMLP) brought out printed wall posters on 25-1-99 and exhibited at important places in Thiruppur Town with the following slogans in Tamil, duly translated into English.

JANUARY 25—SURRAVAMI!! TAMIL RETRIEVAL DAY! HINDI.

ENGLISH AND SANSKRIT IMPERIALISM SHOULD BE REPULSED! WE

SHOULD GO FORWARD WITH THE TAMIL NADU LIBERATION REVOLUTION!

—By Tamil Nadu Marxist Leninist Party, Erode & Coimbatore.

A copy of the report of Inspector of Police, "Q" Branch, CID., Coimbatore District in C. No. 1/Inspr./Q Br /CPD/99 dated 25-1-99 and its translated version in English are enclosed as Annexure G.2 and G.2(A) respectively

iii. Addressing a public meeting organised by the Tamil Thinkers' Forum Co-ordination Committee held at Anthyur, Erode district on 27-2-99, K. V. Ponnaian, Dist. Organiser, Tamil Nadu Marxist Leninist Party said that

when Rajaji was the Prime Minister of the erstwhile composite Madras State, anti-Hindi agitation was organised by Periyar said that Tamil Nadu is only for Tamils and Tamil alone can exist in Tamil Nadu. He also said that Hindi should not find its way into Tamil Nadu. Copy of the speech report in Tamil and its translation in English are enclosed as Annexures G.3 and G.3(A).

iv. A joint conference (1200) under the aegis of Tamizhar Desiya Iyakkam extending support to LTTE in the ongoing ethnic strife in Sri Lanka was held at Thamukkam grounds, Madurai on 7-3-99. P. Nedumaran, State President, extended their whole hearted support to the ongoing struggle in Sri Lanka and urged the Central Govt. to lift the ban on LTTE and to extend support to them as in the case of PLO, to lend liberally to alleviate the sufferings of the refugees taking refuge in the State and also to send essentials to the suffering refugees settled in Sri Lanka as they are deprived of the basic needs by the Sri Lankan Govt. It also demanded the immediate release of the Sri Lankan Tamils detained in the special camps and urged to nullify the pact on Kachatheevu. A copy of "Q" Branch CID Note in C. 2 No. 1069/X/99/C dated 11-3-99 is enclosed as Annexure—G. 4.

iv. Addressing a public meeting at Muthur on 27-6-99 in Vellakoil PS limits got up under the aegis of Tamil Nadu Marxist Leninist Party and Revolutionary Youth Front, K. V. Ponnaian, Dist. organiser urged action to liberate Tamil Nadu and exhorted people to extend their co-operation.—Copy of speech report Annexure—G.5 and G.5(a).

v. Addressing a public meeting organised by the Tamil Nadu Marxist Leninist Party on 29-5-99, K. V. Ponnaian, Dist. organiser of the party said that "the liberation of Tamil Nadu should be on the fore-front and appealed for co-operation amongst the labour class of the society and exhorted their whole hearted support to the organization. A copy of the speech report and its translation are enclosed as Annexure G.6.

vii. Addressing a public meeting at Srivilliputhur in Virudhunganar Distt. On 20-6-99 under the aegis of Tamil Tamilar Iyakkam, V. Marimuthu, Distt. President of Puratchikara Samooga Neeadhi said Tamil Nadu belongs to Tamils. The Tamils want to be Tamils. Even in 1953, the separatist tendency had cropped up. The D.K. had started separatism. There is none to raise their voice on behalf of Tamils. There are no avenues to safeguard Eelam Tamils. They started their struggle in 1983. No help was extended to the Sri Lankan Tamils from the Indian Tamils. Tamils living in Tamil Nadu are prepared to betray the Sri Lankan Tamils and are not coming forward to help them in any manner. If such a situation continues and till the present atmosphere, it would lead towards a new Tamil

nation. The LTTE is not seeking any assistance from any quarters. They are struggling independently. Thyagu, State Secretary of the party said that when Sonia Gandhi is a foreigner, Vajpayee hailing from the Hindi area, is also a foreigner. If no foreigner is required we don't require Delhi as well as Hindi. For us, Tamil Nadu is our country. Since Tamil Nadu has the basic infrastructure required for a country, it has its own language and heritage, and acclaimed historically. We got a territorial border. It is enshrined even in old Tamil literatures like tholkappiam, whereas there is no demarcation of boundary for India. Once Ceylon, Burma and Pakistan were integrated with India. Hence, India does not have a permanent border. We have got a separate language and culture besides social objectives. We have Thirukural as a permanent testament which our school children are being taught. Though India is a subcontinent, it is not a country. It is not proper to say that Vajpayee is our country man. As far as we are concerned, both Sonia and Vajpayee are foreigners. Similarly, even Sarad Pawar is a foreigner for us and only Tamils are our countrymen. Our primary objective is to fight against such aggression that is put forth before Tamil Nation Prabhakaran is making history and Eelam Tamils also make history. It is doubtful whether the Indian army has made any history in the past. The speaker further defended as to how the Pakistan militants be termed as militants. It is to be visualised in its proper perspective as to whether the Communist/extremists are naxalites, the Islamic extremists as militants, etc. There are encounters in Kashmir between India and Kashmir militants. During operation in Sri Lanka, it was said that they were fighting the militants. But on the other hand, the Indian Army was fighting the Tamil Eelam people and Tigers, who are sons of Tamil Eelam..... In fact, the Indian Army has infiltrated into Kashmir in similar manner when Americans invaded Vietnam. When Eelam was strafed, we expressed our anguish and opposition. today when Indian Army is strafing Kashmir, it is questionable whether it is to be supported or otherwise. Because of the infiltration of the Indian Army in Kashmir which is another country for us, and the Kashmir militants who are enemy to Indian Govt are our friends. They are our kith and kin. Unless there is a nation, there cannot be treason. India is not a nation/ country. We are prepared to be anti-India to any extent. From time to time, we are also prepared to accept any punishment for that sake. If Prabhakaran accedes and salutes the Sinhalese Govt., he could not have fought against it. The Indian Nation means, it is a prison comprising so many nationalist race. What Chandrika does in Sri Lanka, Vajpayee does in Delhi. When there is an opposition to Hindutva, why not there be an opposition when india infiltrated into Kashmir. This is my question. Jayalalitha never opposed the infiltration of Indian Army into Kashmir. While inducting a nationalist movement against Pakistan, which is anti-Muslim fundamentalism, everyone supports Hindutva.—Annexure G.7 and C.7(A).

viii. At a public meeting under the aegis of Tamil Eelam Liberation Supporters Co-ordination Committee held at Pudukottai on 22-7-99, referring to the Rajiv Gandhi assassination case, Suba Veerapandian, accused the Designated Judge Navaneetham of threatening those who speak in support of Tamil Eelam would be awarded with capital punishment. Even if hanging ropes are shown, the support to Tamil Eelam would continue. He parried questions as to who is to award punishment to Navaneetham. He hoped that the lives of the remaining 4 would also be saved and accused that none of the Congressmen were killed and those killed were laymen and Police Officers, who discharged their official duties. He questioned as to the fate of money brought by Rajiv Gandhi in trunk boxes. These aspects were not investigated by the agency. He questioned the authority under which Katchatheevu was donated to Sri Lanka and asserted Katchatheevu would be retrieved at any rate. Annadurai, Genl-Secy Tamil Advocates' Association., appealed to the audience to justify the assassination of Rajiv Gandhi, adding that the IPKF had committed many atrocities when sent to Sri Lanka. Pavanam said that the IPKF had not only killed 10,000 Eelam Tamils but also 2000 LTTE cadres in their operations. He asked whether Rajiv Gandhi is a relative of Tamils. He hailed Prabhakaran saying that he is struggling for the creation of a nation for Tamils in Sri Lanka with necessary infrastructure. Concluding his speech, he was vehement that they are not bothered even to go to gallows but would continue to extend their support to the case of Tamil Eelam. P. Nedumaran criticised that cases were registered against all those who are in Co-ordination Committee and are not bothered of such cases. It is an off-shoot against the Tamil race and hence all the 26 persons were convicted. He said Karthikeyan knows as to who are all the real culprits and only with an ostensible idea of de-ne-grading the Tamil race, he concocted the case against the 26 persons and thereby spoiled their families. He also exhorted that every, "one should extend support to Prabhakaran in the cause of Eelam Tamils. A copy of the speech report with its translation in English are enclosed as Annexure G-8. and G-9."

Mr. Ravichandran has also given in detail some of the recent utterances of the leaders of LTTE which can be considered to be anti-India or have anti India implications. Some of these utterances were :—

*"i. 25-5-99 : The Central Govt. is finetuning the security arrangements with an aim to plug the possible loopholes in the security cover provided to the Congress (I) President, Mrs. Sonia Gandhi, following a heightened threat to her life. The Govt. confirm that it has received intelligence reports recently "concerning the threat to Mrs. Sonia Gandhi's person" and refused to disclose specific details with needle of suspicion towards the LTTE.

The sources disclosed that the Govt. had sent a communication to all the Directors General of Police on May 11 informing them of a meeting of LTTE that had taken place in Durban, South Africa in April where it was reportedly discussed that an attempt on Mrs. Gandhi's life could be made by using a "carbomb". The meeting also reportedly came up with a suggestion that attempt on her life should be made in some Northern States so that needle of suspicion did not indicate involvement of any South Indian groups and LTTE. It also came to light that LTTE had managed to have a dry run of their "plot" in the capital of a Northern Indian State. Reports had also indicated that LTTE was making efforts to enlist support from some of the Sikh separatist groups. It came to light that Canada-based LTTE cadres were active in discussions for finalising the plot and a meeting was held in August last year in London attended by senior brass of the LTTE. "The Hindu" dated 25-5-99 Annexure H I

ii Former Indian Prime Minister Inder Kumar Gujral has strongly criticised in a pro-LTTE Tamil magazine published in Europe for attending the Neelan Tiruchelvam commemoration in Colombo this month. According to a report in the Sunday Island, an LTTE mouth piece from Paris. Eelamurasu, said Gujral was performing "Sinhala service" by coming here (Colombo) for the commemoration which included a series of seminars on issues close to Tiruchelvam's heart. The inauguration of the commemoration called for a strong condemnation of terrorism. This is the first time after Rajiv's assassination the LTTE has publicly criticised an Indian politician. New Indian Express dated 14-2-2000 Annexure H.2."

These activities of the LTTE, according to Mr. Ravichandran, would also have a destabilising effect on the economic interest of the country. He, therefore, states that in view of the material placed by him on record on behalf of the State of Tamil Nadu, the Notification declaring the LTTE as an unlawful association requires to be confirmed.

In his cross-examination by Mr. Chandrasekaran, learned counsel appearing on behalf of the LTTE, it was stated by Mr. Ravichandran that by Tamil Eelam it would appear in the first instance that it is meant homeland for Tamils living in Sri Lanka, however, the flexible concept of Tamil Eelam means homeland for Tamils outside Sri Lanka as well. He denied the suggestion that the LTTE has been recommended to be banned on surmises and conjectures. He also denied the suggestion that without understanding the concept of Tamil Eelam and due to compelling political reasons, the Government has recommended the continuance of ban on the LTTE. On a

question put to him by Mr. Chandrasekaran about the case in which charge of conspiracy was not proved against the persons belonging to TNRT for their having conspired with LTTE for creation of a separate State of Tamil Nadu out of India, Mr. Ravichandran submitted that nine accused were still absconding and the case against them was yet to proceed.

Mr. Chandrasekaran appearing on behalf of the LTTE has submitted that there was no sufficient material before the Government to form an opinion that the LTTE was fighting for the rights of all the Tamils living all over the world or that the objective of the LTTE was to form a homeland for all Tamils including the parts of India. It was also submitted by him that there was no reason for the Government of India to ban the LTTE nor there is any material before the Tribunal to confirm the ban.

It was submitted by him that the order banning the LTTE as an unlawful association need to be vacated immediately for the following reasons. :—

- (i) that the LTTE is a political organisation representing the Tamil people living in Sri Lanka who are being subjected to genocidal oppression deprived of basic human rights and systematically discriminated against and persecuted as a people by Sri Lankan Government dominated by the Sinhala people. LTTE is the defactor Government of a de facto state. It is employing legitimate armed resistance as a last resort for self-defence. LTTE is a national liberation movement seeking to realise the right of the Tamil people living in Sri Lanka to self determination pursuant to a mandate given by the Tamil people in the 1977 election, the last election held in the Tamil areas of Sri Lanka. LTTE neither disrupts nor presents any threat to the sovereignty and territorial integrity of India and is not an unlawful association as defined under the laws of India and other international laws;
- (ii) that the LTTE has no connection with any organisation that engaged in unlawful activities in India;
- (iii) that the LTTE's activities do not fall within the ambit of an unlawful activity (i) Section 2(f) of the Act fails to provide sufficiently objective and specific standards for review of Indian Government findings and designation of "Unlawful activity" and impose limits and conditions upon the so called judicial review that in effect would make this Court an instrumentality of the Executive branch, reduced to "rubber stamp". Executive action in violation of the Constitution's of separation of powers;
- (iv) that the Government of India has acted in violation of Indian Constitution and International laws

In this written submission, Mr. Chandrasekaran has submitted that the Union Government and the State Government falsely interpret the objective of the LTTE that the term "home land" includes parts of India. It is his contention that Eelam means only Ceylon (Sri Lanka) and Tamil Eelam means the northern and eastern provinces of Sri Lanka where the majority of the Tamil population lives. It is also his contention that Tamil Nadu or any other part of the world, wherever the Tamils live, had never been referred to as Eelam either in the ancient literary accounts or in Government records. He refers to the book by name "South India and Sri Lanka" authored by Mr. K.K. Pillay, where he has written, ".....Hence the Tamils who lived on the other coast called Sri Lanka as Élu land or Ilam." The name of the organisation LTTE, according to Mr. Chandrasekaran, speaks for itself that the movement was started and still fights for the rights of Eelam Tamils which is nothing but the north and eastern province of Sri Lanka alone. Tamil Nadu, according to him, had never been referred to as Eelam in any authentic records but it is known as Tamil Nadu only. It is also his submission that during the period when Mr. Rajiv Gandhi was the Prime Minister of India, the Government of India played an important role in bringing all the Tamil groups including the LTTE and TULF to the negotiating table to the summit held at Thimpu, the capital of Bhutan. In that summit, it was allegedly emphasised by all the Tamil groups that a separate Tamil Eelam is the only solution for the ethnic rift in Sri Lanka. It is also submitted by Mr. Chandrasekaran that the LTTE was given training and arms by the Union Government when Mrs. Indira Gandhi was the Prime Minister of India and the then Chief Minister of Tamil Nadu Mr. M.G. Ramachandran patronised LTTE and gave Rs. 5 crores of the government fund in early 80's. The present Prime Minister of India and the present Chief Minister of Tamil Nadu have also alleged to have participated in the Tamil Eelam Supporters Organisation (TESO) held at Madurai and voiced their concern for the Eelam Tamils. It is, therefore, his case that if the allegations made against the LTTE that its objective was to form a homeland for all Tamils including the parts of India, the aforesaid persons would not have supported it or its demand for a separate Eelam. According to him, there is no evidence to show that the LTTE wanted to create Tamil Eelam including parts of India. The LTTE, according to him, has not acted in any manner prejudicial to the sovereignty and territorial integrity of India and all cases relied upon in the Notification of ban have ended in acquittal. It is, therefore, his submission that the Tribunal should quash the Notification of ban on the LTTE.

Under Section 2 (g) of the Act, unlawful association has been defined "to mean any association (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or (ii) which has for its object any activity which is punishable under Section 153-A or Section 153-B of the Indian Penal Code,

1860 (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity.

According to Section. 2(f), unlawful activities in relation to an individual or association means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),— (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India.

To declare an association, therefore, to be unlawful, such association must be indulging in activities which are unlawful activities within the meaning of the Act and which has for its object any unlawful activity or which encourages or aids person to undertake any unlawful activity or of which the members undertake such activity or which has for its objects any activity which is punishable under Section 153A or Section 153B of Indian Penal Code.

The unlawful activities carried on by an association for declaring it an unlawful association, are that it supports any claim of secession of a part of the territory of India from the Union or which incites any individual or group of individuals to bring about such cession or secession or which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India. In case, such association has for its object any activity punishable under Section 153-A or Section 153B of the Indian Penal Code or it encourages or aids persons to undertake any such activity, the association in that case as well can be declared as an unlawful association. It is in this background that the Tribunal has to decide whether the Central Government had sufficient cause for declaring the LTTE to be an unlawful association.

On 25th January, 1999 Tamil Nadu Marxist Leninist Party (TNMLP) brought out printed wall posters and exhibited at important places in Thiruppur Town with the following slogans in Tamil duly translated into English:—

JANUARY 25—SURRAVAM!! TAMIL RETRIEVAL DAY!!! HINDI, ENGLISH AND SANSKRIT IMPERIALISM SHOULD BE REPULSED! WE SHOULD GO FORWARD WITH THE TAMIL NADU LIBERATION REVOLUTION!!

Addressing a public meeting organised by the Tamil Thinkers' Forum Co-ordination Committee held at Anthiyur, Erode District on 27-2-1999, K., V. Ponnaian, Distt. Organiser, Tamil Nadu Marxist Leninist Party said that when Rajaji was the Prime Minister of the erstwhile composite Madras State, anti-Hindi agitation was

organised by Periyar said that Tamil Nadu is only for Tamils and Tamil alone can exist in Tamil Nadu. He also said that Hindi should not find its way into Tamil Nadu.

Addressing a public meeting at Muthur on 27-5-1999 in Vellakoil PS limits got up under the aegis of Tamil Nadu Marxist Leninist Party and Revolutionary Youth Front, K. V. Ponnaiyan, Dist. Organiser urged action to liberate Tamil Nadu and exhorted people to extend their co-operation.

Addressing another public meeting organised by the Tamil Nadu Marxist Leninist Party on 29-5-99, K. V. Ponnaian, District Organiser of the party said that "the liberation of Tamil Nadu should be on the fore-front and appealed for co-operation amongst the labour class of the society and exhorted their whole hearted support to the organisation.

Addressing a public meeting at Srivilliputhur in Virudhungan Distt on 20-6-99 under the aegis of Tamil Tamilar Iyakkam, V. Marimuthu, Distt. President of Puratchukara Samooga Needhi said Tamil Nadu belongs to Tamils. The Tamils want to be Tamils. Even in 1953, the separatist tendency had cropped up. The D.K. had started separatism. There are none to raise their voice on behalf of Tamils. There are no avenues to safeguard Eelam Tamils. They started their struggle in 1983. No help was extended to the Sri Lankan Tamils from the Indian Tamils. Tamils Living in Tamil Nadu are prepared to betray the Sri Lankan Tamils and are not coming forward to help them in any manner. If such a situation continues and till the present atmosphere, it would lead towards a new Tamil nation. The LTTE is not seeking any assistance from any quarters. They are struggling independently. Thyagu, State Secretary of the party said that when Sonia Gandhi is a foreigner, Vajpayee hailing from the Hindi area, is also a foreigner. If no foreigner is required, we don't require Delhi as well as Hindi. For us, Tamil Nadu is our country. Since Tamil Nadu has the basic infrastructure required for a country, it has its own language and heritage, and acclaimed historically. We got a territorial border. It is enshrined even in old Tamil literatures like Tholkapiyam, whereas there is no demarcation of boundary for India. Once Ceylon, Burma and Pakistan were integrated with India. Hence, India does not have a permanent border. We have got a separate language and culture besides social objectives. We have Thirukural as a permanent testament which our school children are being taught. Though India is a sub-continent, it is not a country. It is not proper to say that Vajpayee is our country man. As far as we are concerned both Sonia and Vajpayee are foreigners. Similarly, even Sarad Pawar is a foreigner for us and only Tamils are our countrymen. Our primary objective is to fight against such aggression that is put forth before Tamil Nation Prabhak— is making history and Eelam Tamils also make history. It is doubtful whether the Indian Army has made any history in the past. The speaker further

defended as to how the Pakistan militants be termed as militants. It is to be visualised in its proper perspective as to whether the Communist extremists are naxalites, the Islamic extremists as militants, etc. There are encounters in Kashmir between India and Kashmir militants. During operation in Sri Lanka it was said that they were fighting the militants. But on the other hand, the Indian Army was fighting the Tamil Eelam people and tigers, who are sons of Tamil Eelam. In fact, the Indian Army has infiltrated into Kashmir in similar manner when Americans invaded Vietnam. When Eelam was strafed, we expressed our anguish and opposition. Today when Indian Army is strafing Kashmir, it is questionable whether it is to be supported or otherwise. Because of the infiltration of the Indian Army in Kashmir which is another country for us, and the Kashmir militants who are enemy to Indian Government are our friends they are our kith and kin. . . . Unless there is a nation, there cannot be treason. India is not a nation/country. We are prepared to be anti-India to any extent. From time to time we are also prepared to accept any punishment for that sake. If Prabhakaran accedes and salutes the Sinhalese Government, he could not have fought against it. The Indian Nation means, it is a prison comprising so many nationalist race. What Chandrika does in Sri Lanka, Vajpayee does in Delhi. When there is an opposition to Hindutva, why not there be an opposition when India infiltrated into Kashmir. This is my question. Jayalalitha never opposed the infiltration of Indian Army into Kashmir. While inducting a nationalist movement against Pakistan, which is anti-Muslim fundamentalism, everyone supports Hindutva.

At another public meeting under the aegis of Tamil Eelam Liberation Supporters Co-ordination Committee held at Pudukottai on 22-7-99, referring to the Rajiv Gandhi assassination case, Suba Veerapandian, accused the Designated Judge Navaneetham of threatening those who speak in support of Tamil Eelam would be awarded with capital punishment. Even if hanging ropes are shown, the support to Tamil Eelam would continue. He parried questions as to who is to award punishment to Navaneetham. He hoped that the lives of the remaining 4 would also be saved and accused that none of the Congressmen were killed and those killed were laymen and Police Officers, who discharged their official duties. He questioned as to the fate of money brought by Rajiv Gandhi in trunk boxes. These aspects were not investigated by the agency. He questioned the authority under which Katchatheevu was donated to Sri Lanka and asserted Katchatheevu would be retrieved at any rate. Annadurai, General Secretary Tamil Advocates' Association, appealed to the audience to justify the assassination of Rajiv Gandhi, adding that the IPKF had committed many atrocities when sent to Sri Lanka. Pavanan said that the IPKF had not only killed 10,000 Eelam Tamils but also 2000 LTTE cadres in their operations. He asked whether Rajiv Gandhi is a

relative of Tamils. He hailed Prabhakaran saying that he is struggling for the creation of a nation for Tamils in Sri Lanka with necessary infra structure. Concluding his speech, he was vehement that they are not bothered even to go to gallows but would continue to extend their support to the case of Tamil Eelam. P. Nedumaran criticised that cases were registered against all those who are in Co-ordination Committee and are not bothered of such cases. It is an off shoot against the Tamil race and hence all the 26 persons were convicted. He said Karthikeyan knows as to who are all the real culprits and only with an ostensible idea of dene-grading the Tamil race, he concocted the case against the 26 persons and thereby spoiled their families. He also exhorted that every one should extend support to Prabhakaran in the cause of Eelam Tamils.

On 31st May, 1998 the *Hindustan Times* had published a report that facing an acute shortage of indigenous fighting cadres, the LTTE had deployed an unspecified number of Indian recruits from the extremist groups of Tamil Nadu in their quest against the Sri Lankan security forces in Vanny area. These recruits from Tamil Nadu came from fringe pa Dravidian groups like the Tamil Nadu Mcetpu Padai (Tamil Nadu Retrieval Troops). It was also reported that the TNRT was in touch with the LTTE for long and participate in the LTTE's plot to assassinate EPRLF leader K. Padmanabha in June, 1990. The TNRT was fighting for a separate Tamil Nadu and has been credited with a number of small time bombing in Tamil Nadu.

As it was the radio message intercepted by the intelligence agencies, the LTTE was posing a grave threat to the Prime Minister of India, Congress (I) President Mrs. Sonia Gandhi and the Chief Minister of Assam Mr. P.K. Mohanta by employing persons as human bombs along with militant groups like Sikh extremist, J&K Militants, ULFA and others. Even the United States has redesignated 27 organisations including the LTTE as Foreign Terrorist Organisations.

The above utterances of persons and organisations who are sympathetic to the LTTE clearly indicate the threat posed by the Tamil chauvinist groups and their supporters to the LTTE in its on-going struggle. It also shows that the larger objective of the LTTE and its supporters is to fight for a separate homeland for Tamils not only in the northern and eastern parts of Sri Lanka but even also in India, thus affecting the sovereignty and territorial integrity of India and Tamil Nadu.

Moreover, recovery of cash, digital diary, code sheets cellular phone, compact discs, audio cassettes, cordless bell, Morse key, battery charger, battery, motor cycle, wireless sets, blood saving sachets, walkie-talkies, etc. clearly show that the LTTE was continuing its militancy pursuits to achieve their objective for a separate homeland for all Tamils.

The recovery of a Sri Lankan boat with two dead bodies lying inside Olaikuda sea, Rameswaram on 6th

October, 1999 and recovery of one heavy machine gun with 320 rounds, one medium machine gun with 860 rounds, three missile shoulders, seven bullet proof jackets, seven life jackets, three Yamaha OB motors of 200 HP, two missile covers, one HP Trans-receiver, one VHP Trans-receiver, fire extinguisher, thirteen bottles of liquor, 72 heavy machine guns empty rounds and four medium machine guns empty rounds reveal that the LTTE's members and supports were engaged in activities which intend to disrupt the sovereignty and territorial integrity of India.

On 14th August, 1998, one Arunachalam Nadar, who used to procure essential commodities for the use of LTTE in Sri Lanka was arrested and on his confession one lorry MDR 2692 and Vallam (country boat) owned by him was seized at Pamban seashore with the contraband and cash. At his instance, the LTTE cadres, namely, Sekar @ Mani @ Raman, Anton Udayan; and Mohanaguru were arrested. Cases against them were registered under different provisions of law including Sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 and under Section 14 of the Foreigners Act. While Sekar was convicted and sentenced to undergo RI for 3 months u/s 120 (B) IPC, other accused were convicted to undergo RI from one year to one and a half years under Sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 and under Section 14 of the Foreigners Act.

One Chockalingam was arrested for harbouring LTTE cadre Vijayakumar in a hideout and was helping him in procuring essential items for the LTTE in Sri Lanka. After thorough investigation, the 11th metropolitan Court, Saidapet, Chennai has convicted the accused to various terms of imprisonment including under the Unlawful Activities (Prevention) Act, 1967.

There were series of bomb blasts during 1998 and 1999, wherein extensive damages were caused by Muslim fundamentalists in Coimbatore and other area in the State besides an attempt on the life of the Union Minister for Home Mr. L.K. Advani at Coimbatore. On interrogation, it was revealed that there was a LTTE drop out at Coimbatore who converted into Islam and known as Ansari and Oseer and visiting Colombo frequently. According to the State, it clearly shows a nexus between the Muslim fundamentalists and LTTE.

The aforesaid evidence on record clearly show that the persons and organisations who are sympathetic to the LTTE are challenging the sovereignty and territorial integrity of India. Though the immediate struggle of the LTTE is against the Government of Sri Lanka for the establishment of Tamil Eelam in the north east provinces of Sri Lanka, its larger and ultimate objective is to form a larger Tamil country including areas of India where Tamil lives and this pose a grave threat to the sovereignty and territorial integrity of India.

The utterances of the leader of Tamil Thinkers' Forum Co-ordination Committee in its meeting held at

Anthiyur, Erode district on 27th February, 1999, where K V. Ponnian, District Organiser, Tamil Nadu Marxist Leninist Party had said that Tamil Nadu is only for Tamils and Tamils alone can exist in Tamil Nadu and urging the youth front of the party on 27th May, 1999 to liberate Tamil Nadu and exhorting people to extend their cooperation; the speech of the President of Puratchikara Samooaga Nedhi in a Public meeting at Srivilliputhur in Virudhungan District on 20th June, 1999 that Tamil Nadu belonged to Tamils and that they did not require Delhi or Hindi and for them Tamil Nadu was their country since Tamil Nadu had the basic infrastructure required for a country and that they were prepared to be anti-Indians to any extent are clear activities intending to disrupt the sovereignty and territorial integrity of India. These activities also promote enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. and are doing acts prejudicial to the maintenance of harmony. The disruptive activities are being carried out to malign the Government of India with the sole object of arousing separatist Tamil sentiments. In view of the on-going struggle with the Sri Lankan security forces in Sri Lanka, the LTTE continues to remain a strong terrorist movement and the demand for Tamil Eelam concept finds a strong echo in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils. The pro-LTTE groups will always, therefore, try to stimulate the secessionist sentiments to enhance the support base of the LTTE in Tamil Nadu. If the LTTE is, therefore, not banned in India, it may lead to the violation and disruptive activities of its sympathetic organisations which will be prejudicial to the sovereignty and territorial integrity of India.

Mr. Chandrasekaran, learned counsel for the LTTE, except for cross-examining the witnesses regarding the acquittal of certain persons who were involved in cases registered under the India Penal Code, has not contradicted the statements made by the persons mentioned above about the LTTE advocating secession of part of the territory of India. The facts brought out by the Central Government and the state of Tamil Nadu duly corroborated and supported by the evidence of Mr. A.K. Paintnandy and Mr. T V Ravichandran as also the documents placed on record, in the opinion of the Tribunal, did not leave any manner of doubt that the LTTE is continuing to adopt a strong anti-India posture and pose a grave threat to the security as well as the sovereignty and territorial integrity of India and its utterances have an inciting influence over the secessionist forces in Tamil Nadu. Moreover, the LTTE and pro-LTTE persons have already been convicted by the court in the Rajiv Gandhi assassination case, thus keeping the issue quite alive and hence continues to be a strong ground for continuing to declare the LTTE as an unlawful association.

The Tribunal has, therefore, reasons to believe that despite Declarations dated 14th May, 1992; 14th May, 1994; 14th May, 1996 and 14th May, 1998 declaring the LTTE to be an unlawful association, it is continuing to indulge in unlawful activities. It is no doubt true that the activities of the LTTE have been curtailed to a large extent and controlled in view of the ban imposed upon its activities by the earlier Notifications, sympathy for Tamil Eelam concept still remains and the material placed before Justice P.N. Nag, Tribunal; Justice Devinder Gupta, Tribunal and the earlier Justice S.K. Mahajan, Tribunals, continues to have strong bearing and relevance to the present situation in Tamil Nadu.

From the speeches of the members of pro-LTTE organisations mentioned above, it is quite evident that the Tamil Eelam concept still remains a goal amongst the pro-LTTE organisations and the process is still at work to further its cause thereby contributing the said highly vulnerable milieu in which LTTE's free functioning in India as an unlawful association, if allowed, is likely to be highly detrimental to the sovereignty and territorial integrity of India. The speeches also tend to promote disharmony or feeling of enmity, hatred or ill will between different religious, racial, language and regional groups or castes and communities which disturbs or is likely to disturb the public tranquility and, in any case, they are intended to support the claim of the LTTE to bring about secession of a part of the territory of India from the Union, thus disrupting the sovereignty and territorial integrity of India.

The LTTE, in the opinion of the Tribunal, is continuing to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a State of ethnic strife, torn by the demand for Tamil Eelam, which finds a strong echo in Tamil Nadu due to the Linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils, material found by the earlier Tribunals to be valid grounds for declaring the LTTE as an unlawful association earlier, will continue to remain a strong underlying basis for continuing the ban on the LTTE in India.

Series of cases registered against pro-LTTE elements in 1998, 1999 and 2000 reflect the presence of the LTTE activists and pro-LTTE groups which still continue to pose danger to the state. This Tribunal is, therefore, of the firm opinion that there was sufficient material before the Central Government to justify the forming of an opinion that the LTTE is an unlawful association and has been rightly declared to be so. Therefore, the declaration made by the Central Government vide Notification dated 14th May, 2000 is confirmed.

November 13, 2000

[F No. I-11034/9/2000-IS. DI (A)]

Sd/-

S.K. MAHAJAN, TRIBUNAL
SANGITA GAIROLA, Jt. Secy.

